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AND GENERAL MISCELLANY OF SCIENCE, ARTS, HISTORY, POLITICS,
MORALS, MANNERS, FASHION, AND AMUSEMENTS.

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REVIEW OF BOOKS.

Flodden Field; a Dramatic Romance; in Three Acts. By S. and H. Kemble. First performed at the Theatre Royal, Drury Lane, on Thursday Evening, December 31st, 1818.

THE title of this work will easily declare the source from which it is taken. *Marmion* is, perhaps, the best adapted of Scott's poems to found a play upon. The plot of it is perfectly dramatic; but we do not conceive that the compilers (for there are two, have managed it so well as might be expected from persons who have been long conversant with the drama, and who have had so many opportunities of learning how to produce stage effect and dramatic situation; an instance of their failure, in this respect, occurs in that part of the play which relates to De Wilton's combat, disguised as the storied Goblin Knight, with *Marmion*.

We are well convinced that this scene, if managed properly, would have been the most effective one in the whole play; but, instead of bringing the combat to the view of the audience, *Marmion* is merely followed by De Wilton across the stage, who, in an after scene, relates the issue of the fight to Clara de Clare. The plot perfectly agrees with the poem. The fate of Constance, who is preserved from death by Clara, and the introduction of two new characters, the host of the inn and Friar Francis, excepted; the latter is an evident copy of Father Paul, in the *Duenna*, and whom we should rather see in his original place in Sheridan's opera, than in the play before us; and the former famous for nothing but talking bad Scotch, and drinking for the good of the Crown, which proves to be the sign of his own house.

The elegant song of "*Lochinvar*," is transferred from Scott, but in such a diminished state, that those who have not read it in the poem, would have a difficult matter to make any sense of it whatever in the play, where about a third part only is introduced.

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It may be urged, that the length prevented its complete introduction; but, we think, if this could not be effected, it would have been better to let it remain in the pages of *Marmion*, than to have dragged it before the public in such a reduced state.

The scene on the drawbridge of the Earl of Douglas's castle is better executed than any in the whole piece. The proud independence of the Scottish lord, and the escape of *Marmion*, are well portrayed. The reply of Douglas, on *Marmion's* proffering him his hand, well illustrates the former's character. We shall here take the liberty of giving our readers a first and only extract.

"Lord D.—My manors, halls, and bowers shall open be
To each one whom my sovereign please to send;

Howe'er unmeet to be the owner's peer,
My castles are my royal master's right,
But still the hand of Douglas is his own,
And never, never, shall in friendly grasp
With hand of such as *Marmion* unite.

"*Marmion*.—Says't thou! and 'twere not for thy silver locks.

Such hand of mine, proud Scot, had not delayed

To cleave the Douglas hoary head in twain.

"Lord D.—And dar'st thou beard the lion in his den!

The Douglas in his hold; up draw-bridge, grooms.

"(Here the drawbridge is instantly drawn up. *Marmion* jumps off into his soldiers' arms as it rises.—Drums and Trumpets.—Scene closes as *Marmion* and followers exeunt.)"

How much soever this drama may be liked upon the stage, (where it has not been so successful as is intimated in the preface,) it will not please every reader in the closet. This is principally owing to the aid which the attractions of scenery, machinery, dresses, decorations, drums, and trumpets give it,—the two last mentioned articles are named in almost every page, and we remark, *en passant*, that the stage directions seem to be given in rather a strange manner. In the first scene it is said, that "*Constance* is led to the cell with great composure;" now when we recollect that she is being led to a living tomb, this will appear a cool way of treating such a serious business; and,

in the fourth scene, it is asserted that Friar Francis "slaps Blount on the shoulder, and almost knocks him out of the chair;" we cannot, for a moment, suppose that the friar is intended to knock the warrior out of a gothic hall, but rather hope that the word is a mistake of the press. S. G. C—d.

The History of British India By James Mill, Esq.

(Concluded from p. 133.)

EXTENDED as our notice of this valuable work has already been, it has been entirely confined to giving a brief but succinct account of the British power and the extension of their empire in India, from the period of our first communication with that vast peninsula, to the termination of the brilliant administration of the Marquis Wellesley. We have purposely avoided making any remarks on the policy by which so much has been effected, being more anxious to state facts than give opinions; it must, however, be observed, that although the Portuguese, within two or three years from their first landing in India, begun to destroy the towns and acquire possessions, yet the English had factories there for more than a century and a half before they sought to gain territorial acquisitions, and they were rather compelled to it by the ambitious projects of a rival power, with which they were obliged to cope, than by motives of cupidity or ambition. That some individual acts of cruelty and oppression have occurred, it will not be denied, but these admit of some palliation from the peculiar circumstances in which the English have been placed, and on a review of the whole we perfectly coincide with an acute writer on the subject, that "no extension of territory has been acquired, otherwise than by the prosecution of a just and necessary war, or of just and legitimate public right: the result of these acquisitions has not involved the necessity of defending any territory, which had not previously furnished increased means of offensive war to our enemies, or which we were not previously bound to defend, either by the

obligation of positive treaty, or of our own manifest interest;" that "the principles of these successive extensions of power have been conformable to justice and good policy, and regularly brought under the consideration of the authorities at home; and sanctioned, either by direct law, or by orders from the government in England, or by long acquiescence in the arrangements effected in India;" and that "the magnitude of our empire in India has been increased by these events; but its strength and resources have also been greatly increased; our frontier in every quarter is improved, our internal government invigorated, and our means of defence considerably augmented*."

At the time that the Europeans first opened a communication with India, its population consisted chiefly of two races, the Hindu and Mahomedan. The first were the aboriginal inhabitants of the country; the latter were invaders, who in the tenth century pushed the crescent beyond the limits of the Persian Empire, and laid the foundation of the Mahomedan thrones in India; this invasion did not much alter the texture of the native society, although it mixed with its population a people differing from them considerably in manners, character, and religion. Of the Moguls we have not room for any remarks, but that at this period they were not perfectly barbarous; they had the use of letters, and an alphabet of their own in no degree corresponding with the troublesome characters of the Chinese, but as ingenious and simple as that of the Romans; and Abulfeda mentions two decisive marks of a considerable degree of civilization among them, that in his time the streets were paved, and water was conveyed in the city by leaden pipes. The silk paper made here was the most beautiful in Asia, and in great request over the east.

Of the manners, customs, and religion of the Hindus, Mr. Mill is very copious, and as the subject is highly interesting, we shall give a few extracts; and, first, of their Chronology:—

"The present age of the world, according to the system of the Hindus, is distinguished into four grand periods, denominated yugs. The first is the Satya yug, comprehending 1,728,000 years; the second the Treta yug, comprehending 1,296,000 years; the third the Dwapar yug, including 864,000 years; and the fourth the Cali yug, which will extend to 432,000 years. Of these periods the first

three are expired, and in the year 1817 of the Christian era, 4911 years of the last. From the commencement, therefore of the Satya yug, to the present time, is comprehended a space of 3,892,911 years, the antiquity to which this people lay claim."—Vol. i, p. 92.

The author of the Hindu laws, whose name it is now impossible to trace, divided the population into four orders or castes: "The first were the Brahmens or priests; the second the Chatriyas or soldiers; the third the husbandmen or Vaisyas; and the fourth, the Sudras, the servants and labourers." On this division of the people, which is still preserved among them, and the privileges or disadvantages annexed to the several castes, the whole frame of Hindu society depends. The government of the Hindus was monarchical, and with the usual exception of religion and its ministers, absolute, "if the world had no king," says the Hindu law, "it would quake on all sides through fear; the ruler of this universe, therefore, created a king, for the maintenance of this system." The sacred books of the Hindus describe the dignity and attributes of a king in the following lofty terms:—

"A king is formed of particles from the chief guardian deities, and consequently surpasses all mortals in glory. Like the sun, he burns eyes and hearts; nor can any human creature on earth even gaze on him. He, fire and air; he, the god of criminal justice; he, the genius of wealth; he, the regent of waters; he, the lord of the firmament. A king, even though a child must not be treated lightly, from an idea that he is a mere mortal; no; he is a powerful divinity, who appears in human shape. In his anger,—death. He who shows hatred of the king, through delusion of mind, will certainly perish; for speedily will the king apply his heart to that man's destruction*."—Vol. i, p. 122.

The authority of the king was divided into as many parts as there were provinces, over which a vicegerent was appointed, with the undivided authority and jurisdiction of his master; he could raise troops, levy taxes, and decide upon the lives and property of the subjects:—

"The gradations of command among the Hindus were thus regulated; the lowest of all was lord of one town and its district; the next was the lord of ten towns; the third was the lord of twenty towns; the fourth was the lord of a hundred towns; and the highest vicegerent was lord of a thousand towns. Every lord was amenable to the one immediately above him, and exercised unlimited authority over those below."—p. 123.

The penal laws of the Hindus are the most sanguinary, and their modes of punishment the most barbarous and varied of any nation in the world, of which we have any record. Of their punishments, that of mutilation is the most frequent, and of this feature of their laws a few examples from the laws of Menu and the Gentoo code will impress a lively conception:—

"Should a wife, proud of her family and the great qualities of her kinsmen, actually violate the duty which she owes to her lord, let the king condemn her to be devoured by dogs in a place much frequented; and let him place the adulterer on an iron bed, well heated, under which the executioner shall throw logs continually, till the sinful wretch be there burnt to death.—If a woman murders her spiritual guide, or her husband, or her son, the magistrate having cut off her ears, her nose, her hands, and her lips, shall expose her to be killed by cows. Of robbers, who break a wall or partition, and commit theft in the night, let the prince order the hands to be lopped off, and themselves to be fixed on a sharp stake. Two fingers of a cut-purse, the thumb and the index, let him cause to be amputated on his first conviction; on the second, one hand and one foot; on the third, he shall suffer death. A thief, who, by plundering in his own country, spoils the province, the magistrate shall crucify, and confiscate his goods; if he robs in another kingdom, he shall confiscate not his possessions, but shall crucify him. If a man steals any man of a superior caste, the magistrate shall bind the grass beena round his body, and burn him with fire; if he steals a woman of a superior cast, the magistrate shall cause him to be stretched out upon a hot plate of iron, and having bound the grass beena round his body, shall burn him in the fire. If a man steals an elephant or a horse, excellent in all respects, the magistrate shall cut off his hand and foot, and buttock, and deprive him of life. If a man steals an elephant or a horse of small account, or a camel or a cow, the magistrate shall cut off from him one hand and one foot. If a man steals a goat or a sheep, the magistrate shall cut off one of his hands. If a man steals any small animal, exclusive of the cat and the weasel, the magistrate shall cut off half his foot. If a magistrate has committed a crime, and any person, upon discovery of that crime, should beat and ill use the magistrate, the magistrate shall thrust an iron spit through him, and roast him in the fire."—p. 152, 3.

Retaliation is another peculiarity in the laws of the Hindus, and to what an extraordinary degree it is interwoven in their penal legislation, a few examples will evince:—

"The law concerning assault and battery in the Institutes of Menu, thus commences: 'With whatever member a low-born man shall assault or hurt a superior,

* A tract recently published, on the "Extension of Territory in India."

* Laws of Menu, ch. vii, 3.

even that member of his must be slit, or cut, more or less, in proportion to the injury; this is an ordinance of Menu. 'If a man strikes a Bramin with his hand, the magistrate shall cut off that man's hand; if he strikes him with his foot, the magistrate shall cut off the foot; in the same manner with whatever limb he strikes a Bramin, that limb shall be cut off; but if a Sooder strikes either of the three castes, Bramin, Chehteree, or Bice, with his hand or foot, the magistrate shall cut off such hand or foot.' 'If a man has put out the eyes of any person, the magistrate shall deprive that man of both his eyes, and condemn him to perpetual imprisonment, and fine him.' The punishment of murder is founded entirely upon the same principle. 'If a man,' says the Gentoo code, 'deprives another of life, the magistrate shall deprive that person of life. A once-born man who insults the twice-born with gross invectives, ought to have his tongue slit. If he mentions their names or classes with contumely, as if he say, 'Oh thou refuse of Brahmins,' an iron style, ten fingers long, shall be thrust red-hot into his mouth. Should he, through pride, give instruction to priests concerning their duty, let the king order some hot oil to be dropped into his mouth and his ear. 'If a blow, attended with much pain, be given either to human creatures or cattle, the king shall inflict on the striker a punishment as heavy as the presumed suffering.' 'With whatever limb a thief commits the offence, by any means in this world, as if he break a wall with his hand or his foot, even that limb shall the king amputate, for the prevention of a similar crime.' 'A mechanic or servile man, having an adulterous connexion with a woman of a twice born class, if she was unguarded, shall lose the part offending, and his whole substance.' 'The breaker of a dam to secure a pool, let the king punish by long immersion under water.'"

The trial by ordeal holds a high rank in the institutes of the Hindus, and is practised with much greater variety than it was in the dark ages of modern Europe:—

"There are nine different modes of the trial by ordeal; 1. by the balance; 2. by fire; 3. by water; 4. by poison; 5. by water in which an idol has been washed; 6. by rice; 7. by boiling oil; 8. by red-hot iron; 9. by images. The first of these, by the balance, is thus performed: the party accused is placed in the scale, and carefully weighed; after which he is taken down, the pundits write the substance of the accusation on a piece of paper, and bind it on his forehead. At the end of six minutes he is weighed again, when, if lighter than before, he is pronounced innocent; if heavier, guilty. In the second ordeal, an excavation in the ground, nine hands

long, two spans broad, and one span deep, is filled with a fire of pippal wood, into which the party must walk bare-footed, proving his guilt if he is burned, his innocence if he escapes unhurt. The third species is rather more complicated; the person accused is made to stand in water up to his navel, with a Brahmen by his side; a soldier then shoots three arrows from a bow of cane, and a man is dispatched to bring back that which was shot the farthest; as soon as he has taken it up, another man is directed to run from the brink of the water, and at the same instant the party under trial must plunge into it, grasping the foot or the staff of the Brahmin, who stands by him; if he remains under the water till the two men with the arrows return, he is innocent; if he comes up he is guilty. The fourth kind, by poison, is performed two ways; either the party swallows a certain quantity of a poisonous root, and is deemed innocent if no injury ensues; or a particular species of hooded snake is thrown into a deep earthen pot, and along with it a ring, a seal, or a coin. If the man putting down his naked hand, cannot take this out unbitten by the serpent, he is accounted guilty. The accused in the fifth species, is made to drink three draughts of the water in which the images of the sun and other deities have been washed; and if within fourteen days he has any indisposition, his crime is considered as proved. When several persons are suspected of theft, they chew each a quantity of dried rice, and throw it upon some leaves or bark of a tree; they from whose mouth it comes dry, or stained with blood, are deemed guilty; this is the sixth species of ordeal. In the seventh, a man thrusts his hand into hot oil; and in the eighth, he carries an iron ball, or the head of a lance, red hot in his hand, receiving his sentence of innocence or guilt according as he does or does not come off with impunity. The ninth species is literally a casting of lots; two images of the gods, one of silver, and one of iron, are thrown into a large earthen jar; or two pictures of a deity, one on white, and the other on black cloth, are rolled up in cow-dung, and thrown into a jar; if the man, on putting in his hand, draws out the silver image, or the white picture, he is deemed innocent; if the contrary, guilty. The religious ceremonies with which those trials are performed, it would be unprofitable to relate."—p. 167-8.

The religion of the Hindus is too extensive and complicated a subject for us to enter upon; we shall, therefore, only notice that the metempsychosis, or the transmigration of the soul into various orders of being, reviving in one form when it ceases to exist in another, and which is one of the most ancient and most general of all religious opinions, is a favourite tenet of the Hindus, and the changes consequent upon each crime, or peculiar to each cast,

are thus particularly enumerated in the ordinances of Menu:—

"Sinners in the first degree having passed through terrible regions of torture, for a great number of years, are condemned to the following births at the close of that period. The slayer of a Brahmen must enter the body of a dog, a boar, an ass, a camel, a bull, a goat, a sheep, a stag, a bird, a chandala, or a puccasa. He who steals the gold of a priest, shall pass a thousand times into the bodies of spiders, of snakes, and camellions, of crocodiles and other aquatic monsters, or mischievous blood-sucking demons. He who violates the bed of his natural or spiritual father, migrates a hundred times into the forms of grasses, of shrubs, with crowded stems, or of creeping and twining plants, carnivorous animals, beasts with sharp teeth or cruel brutes."—p. 285.

The reward of the most exalted piety is to become absorbed in the Divine essence, and to be for ever exempt from transmigration. Among the Hindus, marriage is a religious duty of the highest order, and to die without a son is regarded as one of the greatest of all calamities; and, yet, nothing can exceed the habitual contempt which the Hindus entertain for the female sex, or the strict and humiliating dependence in which they are held. Women, in fact, are little better than the slaves of their husbands, who have the power to sell them; and a law is even made to direct the mode in which they are to be beaten. "A wife, a son, a servant, a pupil, and a younger brother may be corrected, when they commit faults, with a rope, or the small shoot of a cane; but on the back part only of their bodies, and not on a noble part by any means." The women are hardly ever mentioned in their laws, or other books, but as wretches of the most base and vicious inclinations, on whose nature no virtuous or useful qualities can be engrafted; they are not accounted worthy to partake of religious rites, but in conjunction with their husbands; they are incapacitated from giving evidence, are excluded from sharing in the paternal property, are deprived of education, and are even deemed unworthy of eating with their husbands. Such an unlimited power of rejection or divorce is possessed by the husbands, that a man can readily find a pretence for divorcing his wife, should he feel inclined to it. The subjection of women, is not, however, confined to their husbands:—

"Day and night," says Menu, "must women be held by their protectors in a state of dependence." Who are meant by their protectors is immediately ex-

* Halhed's Code of Gentoo Laws, and the Laws of Menu.

—p. 154.

plained. 'Their fathers protect them in childhood; their husbands protect them in youth, their sons protect them in age; a woman,' it is added, 'is never fit for independence. Let husbands consider this as the supreme law, ordained for all classes; and let them, how weak soever, diligently keep their wives, under lawful restrictions. 'By a girl, or by a young woman, or by a woman advanced in years, nothing,' says the same code, 'must be done, even in her own dwelling-place, according to her own pleasure. In childhood must a female be dependent on her father; in youth, on her husband; her lord being dead, on her sons; a woman must never seek independence.' The deference which is exacted by her husband is without limits. Though unobservant of approved usages, or enamoured of another woman, or devoid of good qualities, yet a husband must constantly be revered as a god by a virtuous wife. No sacrifice is allowed to women apart from their husbands; no religious rite, no fasting; as far only as a wife honours her lord, so far is she exalted in heaven."—p. 249.

The length to which this article has already extended, precludes us from giving any further extracts relative to the manners and customs of the Hindoos, although we know few subjects of greater interest; nor can we at all enter into an account of the Mahomedans, on which Mr. Mill is equally copious. Of the work, as a whole, we cannot withhold our warmest praise; as a military, political, and commercial history of India, it is a work of infinite research and industry; the details are ample and faithfully narrated, and the reflections are those of a mind matured by judgment, and little influenced by party feelings: the division of the subject into books and chapters, in which the civil affairs of the Company, and their proceedings at home, are separated from those in India, while the connection is preserved, is another advantage; and the history of the Hindoos and the Mahomedans, which form a very important and valuable part of the work, is full of curious information. The magnitude of the work had hitherto deterred any person from entering into more than a detail of some particular period, or event, in India, and too much praise cannot be given to Mr. Mill for having collected into one work, the substance of several hundred volumes, and digested them in a clear and concise manner.

THE QUACK ARTIST.

To the Editor of the Literary Journal.

Sir.—In your last paper, you did me the honor to advert to me as "a distinguished

advocate and lover of modern Arts, and I frankly assure you, that I feel proud of your notice. Believe me, I am fully sensible of the generous devotion, with which you have offered your Journal to the discussion of a question involving the honor and interests of the British School. The following circumstance will shew you and your readers, that to wish well to modern art, is the greatest of all crimes in the eyes of those Quacks, who would have but one PAINTER OF GENIUS, and one opinion on art, in England. On Monday morning last, the 8 o'clock two-penny post-man called at my door, and left a letter directed for me; my servant, received and paid for it; and when I came down stairs, told me of it. The moment I took it in my hand, before I opened it, on looking at the superscription, I instantly said in her presence, this is from Mr. ———, naming the artist, by whom, from my knowledge of the hand writing, I supposed it to have been written. On opening it, I found written within, in roman letters—

CAREY
BEWARE
! ! !

In the attempt to conceal the writer's hand within the letter, my name is correctly spelled with the *E*, but on the superscription, the *e* is omitted. I have shewed this letter to several artists and amateurs, acquainted with this Artist's hand, and all have as instantly recognized the writer.

This will show what the artists of England have to expect from the *liber falsitatis*, and the disappointed cabal, who, for three years, have wielded an infamous press as an engine of envy and revenge, to blast the reputation of the British School, and erect a professional *Katterfello* on its ruins. The parricidal vipers who would sting the breast of their nursing mother, the Royal Academy, and blacken the British Institution, their only patrons and benefactors, are now about to be dragged to their account at the bar of the Public. The Anti-British calumniators who have falsely stigmatized the British Artists ONE AND ALL, "as a mass of IMBECILITY," and sought to degrade them in the opinion of England, and all Europe, as an accumulation of envious meanness and inferiority, under the sneering and scornful designation of this AMIABLE PROFESSION," are now sensible of the power, which they will immediately have to meet. After having, for nearly three years, entrenched themselves in their camp, heaped falsehood upon falsehood, calumny upon calumny, and audacious quackery upon quackery, why do they already tremble? Why does the man of "the dauntless soul" (p. 109. v. i. *Liber Falsitatis*) already resort to intimidation, to stifle the free expression of public opinion? In November, 1817, he designated me, in THE EXAMINER, "An able writer in the Literary Gazette, who had spent his life in trying, by his writings, to rouse an historical feeling." And has this puissant

champion now no other reward for my humble and ineffectual efforts, but his dagger? If the volumes, which I am about to publish, do not rest upon the basis of truth, they need not be an object of alarm to him, for in that case, they will only prove my error and discredit my opinions. The threatening letter, which I received by the eight o'clock post, last Monday, must have been put into the post-office on Saturday evening, and was evidently the sudden product of a brain driven to temporary frenzy by apprehensions of public exposure. On Saturday your paper announced my intended publication, that is, as I may term it, the march of my army into the field; and, on that day, a distinguished monthly publication also published my observations in their lying chronicle, that Anti-British and despicable compound of illiterate ignorance, effrontery, and malice, the *Annals of the Fine Arts*. My initials were fixed to those observations, which I may term the first fire of my light armed troops in advance. But I would advise the heroes of the Cabal to put all the knife-grinders on London, and all Bulmer's black in requisition. Yet, with the power of truth, the collected energies of a great public cause, and the whole thunder of the press, I will be immediately upon them. As to their threatening letter, it is an object too low for any feeling but pity and laughter; too insignificant for any notice whatever, did it not prove the desperate efforts to which a bad cause is compelled to resort; and too ridiculous and contemptible for defiance, since it is plain, that he who could resort to the cowardly expedient of an anonymous threat, would never have the courage to face any man openly. The publisher of* private correspondence; the valorous assailant of Reynolds in the grave; the dauntless warrior, who would signalize his prowess upon the gray hairs of the President, in his eightieth year, will still shelter himself in darkness. He may man himself with his cabal, and take re-

* A matter was published indirectly by this man and his despicable fellow-labourer, (see page 89, No. VIII *Liber Falsitatis*) purporting to be an extract from a private letter, which I wrote in May, 1814, (upwards of a year before I knew him), in the hope of rendering him what little service lay in my power. The gentleman to whom it was addressed, confided it, with my sanction, to the honor of this THREATENER, who received it with professions of eternal gratitude! To use his own words,—“It came to me at a time of WANT, and PERSECUTION, and SICKNESS; it made an impression on me which will go with me out of the world. It shook me and affected me.” Yet, out of this letter, with a deliberate return of evil for good, an attempt has been made by publication, last April, to blacken and lower me in the public opinion, as an advocate for modern art!—And at the very moment, when this matter was mixed up in a mass of groundless calumnies on me and Mr. West, and printing in Bulmer's office, the Student in Machiavelli "lettered BIBLE" (p. 18. No. VIII *Ibid*) was Dear Carey &c. in his letters!!!

fuge behind his despicable and lying press. But West, venerable man I hasten to tear off the mask from your defamer. Artists of England, with what a proud and swelling heart, do I give the signal for battle in your cause; but I have no new principle to advance. I have always endeavoured in my public essays, to promote a united effort of all the true friends of art, to remove the discouragements of native genius. I refer you, gentlemen, to my old public maxim, "The honour and interests of the British Institution, of the Royal Academy, and of the whole body of the British artists, rest upon one foundation, and every effort to narrow that basis to the passions, prejudices, and mistaken views of individuals, must be dangerous to the superstructure and injurious to all." Believe me that, in 1815, 16, 17, and the beginning of 18, I used every kind of fair effort, of entreaty, reasoning, and honest influence, to induce this man to abandon the principle and practice of agitation and dissention. I had his repeated verbal promise, that he would do so, and *devote himself only to his pencil*. In 1817, he sent me a written approbation of my public efforts; and pledged himself to "BACK me." *How* he has backed me these twelve months past, his conscience and the *Liber Falsitatis* can best answer. I am, Sir, your respectful and devoted Servant,

W. CAREY.
March 3d.

THE STAGE.

To the Editor of the Literary Journal.

SIR,—Your review of my Poem, "The Stage," exhibits a spirit of candour so decided, that I shall not for a moment contend against the justice of any one of your criticisms. I am induced, however, to point out a mistake with regard to a single passage, because it represents me as most violently censuring a gentleman, to censure whom is a palpable demonstration of ill-nature and ill-taste—I mean Mr. Young.

The whole paragraph, beginning, "Mean in his stature," relates, not as you have supposed, to the above gentleman, but to Mr. Kean. Do me the favour to refer to the verse, and you will find, that an exclamation *introduced in favour of Mr. Young*, has led you to suppose, that the censure was levelled at him—the lines run thus:

—Kemble has withdrawn—another race
Rush tittering forward to supply his place;
Frantic of gesture—turbulent of tongue,
And self-sufficient—but we yet have Young.
—Behold their leader! &c.

I absolutely exempt you from all blame in this respect, you having been led into the mistake by the length of the passage, of which the object is not pointed out till its close.

I trust you will introduce this letter in your next, that I may not be misunderstood, with regard to Mr. Young, whose abilities I hold in the highest regard, and whose excellencies would have been greatly enlarged upon, had the object of

my verses been either satirical or eulogistic.

In the very lines succeeding those you quote, you will find the following, which clearly proved, that I had no intention of doing violence to the general opinion, by censuring Mr. Young:—

To give an audience pleasure is not rare,
Young can do that—but Kean would make
them stare!

I am, Sir, your very obedient,
Humble servant,

24th Feb. 1819. I. BROWN.
East-Street, Red Lion-Square.

MEDICAL QUACKERY.

To the Editor of the Literary Journal.

SIR.—I am sorry to be obliged, in consequence of the reflections thrown, by your Correspondent, T. R. upon my observations, to be compelled, in my own defence, to place his ignorance in a stronger light, which, out of delicacy, I had enabled him, (had he possessed prudence) to conceal under the cover of inadvertency. My censure would, indeed, have been silly, if it were of no importance to the public, that the opposer of Quackery should be less ignorant than the Quack; but if, on the contrary, the chief objection to Quackery be the ignorance of its followers, surely, the endeavour to guard its opponents, however well meaning their intentions against showing, ignorance in the discussion of the subject, so far from being silly, must be an essential point towards the accomplishment of their object: for how, unless by opposing knowledge to ignorance, are the public to be led into the just views of the profession for their good? Even the rapid and disgusting puffs of Quackery, which T. R. so justly reprobates, are proofs that, however ignorant themselves, their scribes are well aware of the necessity for avoiding glaring errors in their composition; though they cannot write themselves, therefore, they are careful to procure persons, who have at least knowledge enough to avoid glaring errors. Now, one more glaring cannot, I think, be well supposed, than that committed by T. R., because the subject falls so naturally to the consideration of every medical practitioner, that I should suppose even an apothecary's apprentice would be ashamed to be ignorant of it; and it is indeed truly silly in T. R. to endeavour to escape, by calling the error tautological. Tautology is merely the useless repetition of the same words or the same sentiments in different words, and only shews want of taste, judgment, or inadvertency; but the error of T. R. consists, not in the repetition of the same words, but in the use of words of synonymous signification, under the impression, that they convey a different signification, which can arise from ignorance only; more particularly, when the same error occurs twice in one short letter. There is surely no necessity for T. R. telling us that he is no logician; every thing he

writes sufficiently shows that, and in so doing, he also proves himself little better than the very thing he so justly reprobates, viz. an empiric, for it is reasoning in physic alone that has placed the learned physician above the empiric. I am firmly persuaded, that half a dozen such logicians as T. R., would be enough to ruin the best cause in christendom, and that he may, (with I fear many more) feel happy, that the late act for the regulation of the practice of apothecaries, had no retrospective operation; for had it been otherwise, some unlucky logical attempt to distinguish between constitution and temperament, or something equally brilliant, occurring during his examination, would, a hundred to one, have proved fatal to his diploma. If such gross errors are not to be noticed, what can ever be expected from the cause in which we are embarked; we are endeavouring to set up the standard of learning and science, against that of ignorance and quackery; in so doing, if men supposed to be regular and properly qualified practitioners, are to be permitted, without notice, to display ignorance equally with the irregular, how shall the public be convinced, that it is of any importance to them, whether they consult the former or the latter, they must naturally ascend from the individual to the whole fraternity. Thus, a single individual might inspire the idea of general ignorance, and if they once could be brought to suppose all alike ignorant, Dr. Solomon would be to them the same as the scientific T. R.

But a truce with idle controversy; notwithstanding all this, T. R. certainly deserves thanks and praise for his details of some of the worst mischiefs of the many headed monster, Quackery; and I only wish, instead of losing time in attempting to defend what is not defensible, he had pointed out more new facts, or proposed some mode of giving effect to plans already disclosed. To the best of my judgment and abilities, I have named a radical remedy for the evil*, and anxiously invite the intelligent to the candid discussion of its merits. I am so persuaded, upon mature reflection, not only of its efficacy, but its easy accomplishment, that were Parliament moved upon the subject, I have no doubt, it would be listened to with attention, and crowned with success.

M.
22d Feb. 1819.

RULES FOR A JUDGE.

To the Editor of the Literary Journal.

SIR.—Being a great admirer of the character and conduct of that highly esteemed Judge, Sir Matthew Hale, I consider, that the Rules which he set to himself at the entry into his employment of a Judge, (which are stated by Bishop Burnett, his historian, to have been copied from the original under his own hand,) will, from the excellency of their

* See a late number of the Literary Journal.

nature, be deemed worthy an insertion in your paper.

A LOVER OF GREAT AND GOOD MEN.

The following is the statement.

"Things necessary to be continually had in remembrance:—

1. That in the administration of justice, I am intrusted for God, the King, and country; and therefore,

2. That it be done,—1. Uprightly. 2. Deliberately. 3. Resolutely.

3. That I rest not upon my own understanding or strength, but implore and rest upon the direction and strength of God.

4. That in the execution of justice, I carefully lay aside my own passions, and not give way to them, however provoked.

5. That I be wholly intent upon the business I am about, remitting all other cares and thoughts, as unseasonable, and interruptions.

6. That I suffer not myself to be prepossessed with any judgment at all, till the whole business and both parties be heard.

7. That I never engage myself in the beginning of any cause, but reserve myself unprejudiced till the whole be heard.

8. That in business capital, though my nature prompt me to pity, yet to consider that there is also a pity due to the country.

9. That I be not too rigid in matters purely conscientious, where all the harm is diversity of judgment.

10. That I be not biassed with compassion to the poor, or favour to the rich, in point of justice.

11. That popular, or Court applause, or distaste, have no influence into any thing I do in point of distribution of justice.

12. Not to be solicitous what men will say or think, so long as I keep myself exactly according to the rule of justice.

13. If, in criminals, it be a measuring east, to incline to mercy and acquittal.

14. In criminals that consist merely in words, when no more harm ensues, moderation is no injustice.

15. In criminals of blood, if the fact be evident, severity is justice.

16. To abhor all private solicitations, of what kind soever, and by whomsoever, in matters depending.

17. To charge my servants,—1. Not to interpose in any business whatsoever. 2. Not to take more than their known fees. 3. Not to give any undue precedence to causes. 4. Not to recommend counsel.

18. To be short and sparing at meals, that I may be the fitter for business."

SUICIDE OF A SHEEP.

To the Editor of the Literary Journal.

SIR,—In reading a late number of the Literary Journal, I remarked the account of the SUICIDE OF A SHEEP. It is well known they are subject to a kind of brain fever, which brings on a sensation as if their heads were on fire; which the animal mentioned, desirous to alleviate, must have held his head under water until dead. I remain your's, &c. PASTOR.

AMATEURS AND ACTORS.

To the Editor of the Literary Journal.

SIR,—When I sent my last communication to you, want of room prevented me from giving you all the quotations I had selected. I now send you the remainder, if you deem them worthy of insertion, you will add to the honour you have already conferred on

Your's, &c. EQUALITAS.

AMATEURS AND ACTORS.

MR. YOUNG.

"Your face is as a book, where men May read strange matters."—*Macbeth*.

MR. HOLLAND.

"Do not saw the air too much with your hand, thus."—*Hamlet*.

DRURY LANE.

"Oh! I foresaw this downfall of our house." Or, *Romeo and Juliet*.

"When shalt thou see thy wholesome days again?"—*Macbeth*.

MR. DOWTON.

"And let those who play your clowns, speak no more than is set down for them:" * *Hamlet*.

Messrs POPE, EGERTON, and BENGOUGH.

"O, there be Players that I have seen play, —and heard others praise, and that highly,—not to speak it profanely, that neither having the accent of Christians, nor the gait of Christian, Pagan, or Man, have so strutted, and bellowed, that I have thought some of Nature's journeymen had made men, and not made them well, they imitated humanity so abominably."—*Hamlet*.

MISS STEPHENS.

"There is much music, excellent voice, in this little organ;"—*Hamlet*.

MRS SCOTT.

"Not made to court an amorous looking-glass"—*Richard III*.

MR. CROMPTON.

"Take thy face hence"—*Macbeth*.

† MR. MACREADY.

"Thou didst contract and purse thy brow together,

As if thou then hadst shut up in thy brain Some horrible conceit."—*Othello*.

‡ Messrs. MINTON, CRESSWELL, FISHER, (not DAVID) MILLER, JEFFRIES, EVANS, CARR, PENN, EBSWORTH, COMER.

"What! will the line stretch out to the crack of doom?"—*Macbeth*.

§ MR. PETER MOORE.

"If such a one be fit to govern, speak? Fit to govern?—No."—*Macbeth*.

* It has often been a subject of wonder to the numerous admirers of Mr. Dowton's exquisite talents, that he should descend to so pitiful a trick, as to introduce his own nonsense, in addition to that of the author, which in general is quite sufficient of itself—"fye on't 'tis a bad trick, let it be mended."

† This gentleman has contracted a habit of frowning eternally, without rhyme or reason—there is a want of *keeping*, of *light and shade*, in his acting. "But let that pass." Notwithstanding these faults and a few others—which may be rectified with some little attention—he is an actor of sterling merit and sound judgment.

‡ Many, who are in the habit of frequenting the theatres, will scarcely recollect one of these worthies—their only apparent use is to fill the *stage* and the *play-bills*.

§ The obstinacy with which this monarch adheres to his system of *miracle*, is really astonishing—his motto seems to be, "Damn'd be he who first cries hold, enough."

SAINT FRANCIS.

A LETTER from Rome says,—“ In repairing the principal altar of the lower church of St. Francis d'Assise, the body of its founder has been discovered, after having lain there unknown for six hundred years. The Sovereign Pontiff, apprised of this discovery, has given orders to the Bishops of Foligno, Perouse, Spoleto, and Assise, to repair to this latter town, after the Epiphany, and to make an authentic recognition of the body, with all the necessary forms. The intention of the Holy Father is, that these precious remains shall be transferred with pomp to the upper church, and be there exposed to the veneration of the faithful.” This St. Francis, if the Romish authors are to be credited, was a mighty seer of visions and worker of miracles. At the moment of his birth there was an universal consternation among the inhabitants of the infernal regions, from an impression, that through him their power was to be destroyed. He is said to have had upwards of ten personal conferences with our Blessed Saviour, and with the Virgin Mary; and, on one occasion, in consequence of his fervent prayers, the Virgin appeared to him, at midnight, in a wood, with the infant Jesus, whom she transferred to the arms of St. Francis, who embraced and kissed him until day-break, when he restored him to his mother. At one time being faint, and wanting somewhat to refresh him, he turned water into wine. At another, desiring to be solaced by music, he was immediately gratified by angels. On a certain occasion, being thronged on the sea shore by a crowd of people, who wanted, through mere devotion, to touch him, he jumped into a vessel, which of itself, like a reasonable creature, withdrew to a convenient distance from the land, and remained steadfast among the waves till he had preached to the multitude; and then, of its own accord, returned to the shore. He conversed familiarly with birds, beasts, and insects. Being on one occasion disturbed in his preaching by the pranks of a young ass, he gravely addressed him—" Brother ass, I desire thee to stand still, and not interrupt the word of God, which I am now preaching to this thirsty people." Immediately the ass fell upon his knees, and heard the sermon quite out. By the aid of the sign of the cross, he gave a ferocious wolf a temporary locked-jaw, from which the animal was not released until it professed penitence for its past transgressions, and entered into a compact never to repeat them, on condition of

being fed at the expense of the inhabitants of Eugubium. The wolf, in the presence of the people, ratified the agreement, by putting his right foot into the hand of St. Francis, and lived among them very innocently and neighbourly all the rest of his days. Being, on a certain time, sorely tempted in the flesh, he gave himself a hearty scourging, and then throwing himself naked into the deep snow, he caught some of it in his hands, and made thereof seven heaps, which being placed orderly before him, he thus accosted his outward man: "Lo! here, the bigger of these is thy wife, the other four are thy two sons and thy two daughters, and these two that remain are thy man and maid servants." The tempter, upon this, departed with shame, and the Saint returned triumphantly to his cell. Some of the recipes which he gave his followers for driving away the devil were still more whimsical. Ruffinus having complained that the devil appeared to him, and said, "Thou art damned, Francis himself is damned, and whosoever follows him is deceived," the Saint directed him, should the devil again accost him, to reply in these words—"Aperi os tuum, et ego sterconizabo in illud." Ruffinus did as he was ordered, and the devil went off in a great passion. A cross was frequently seen to issue out of the mouth of St. Francis, and his hands, feet, and side were miraculously impressed by a seraphim with the five wounds of Christ. He is alleged to have cured the deaf, the dumb, the lame, the dropsical, and paralytic, and even to have raised many to life; nor did he disdain to work miracles for discovering stolen goods, driving away worms and flies, and repairing plough-shares and porringers. When his last hour approached, he stripped himself stark-naked, that, among other reasons, he might "be in all things conformable unto Christ crucified, who, in poverty and distress, did hang naked on the cross." Instantly after his decease, his soul was seen by one of his disciples ascending to heaven, in the form of a most luminous star, borne upon a pure white little cloud. His funeral was attended by such a host of angels, that the devil could not get within ten miles of his body.

Americana,

No. I.

WHITE SLAVE TRADE OF THE UNITED STATES.—A Philadelphia paper says, the Dutch ship April, which recently arrived at Newcastle, in the Delaware,

sailed from Amsterdam with *eleven hundred passengers*, and lost upwards of *five hundred* on the passage.

DEAF AND DUMB.—The report of the Secretary of the Commonwealth to the Legislature, states the number of deaf and dumb persons in Massachusetts to be *two hundred and fifty-four*; of these *one hundred and thirty nine* are males, and *one hundred and fifteen* females*.

COMMERCE.—A Boston paper contains the following:—"The happy termination of the war in Europe has certainly greatly diminished the commercial interest of this country—our marine journals published at that period, and those of the present day, afford a greater contrast and proof of the depreciation of commerce, than was anticipated even by our greatest politicians—at the former period those journals were weekly swelled with numerous arrivals of large ships, with valuable cargoes, from almost every quarter of the globe; while, at the present moment, they exhibit something like the following—

Monday.—Arrived—Sloop Welcome Return, from Quoddy; cargo, plaister, brooms, and grindstones.

Tuesday.—Chebatco Boat Fish Hawk—cargo, cod, haddock, and flounders; to A.B., C.D., E.F., &c.

Wednesday. Sloop Dispatch from Havana—cargo, pines, oranges, and water-mellons, to G.H., I.K., &c.

Thursday.—Schooner Patty, Lubec, cargo, herring, sounds, and tongues, and whet-stones, to L.M. N.O.—Spoke, Yawl Patty, bound on an oystering voyage; do. Lark, eastward, for a load of clams †.

Friday.—Yatch Friendship, from south shore; cargo, ballast, stones, sheep-skins and ox-horns.

EMIGRATION TO THE OHIO.—We have seen it intimated, in the London Quarterly Colonial Journal, that emigration to the Ohio, is as much the subject of delusion in various parts of the United States, as in England, or any other part of Europe. The following, from a late Boston paper, seems to confirm this statement, and to assist the cure required:—

"It was with great astonishment that I read the remarks about emigrating to Ohio!—I thought the author was of a captious, churlish disposition, and really doubted in my own mind, whether he had ever visited 'the land overflowing with fat things.' I had formed, I must confess, a pretty firm resolution to sell my *all*, post off this spring, and bid adieu to my brother yankees: but the cogitations of your brother Jimmy, and the perusal of a poem just published, have determined me to relinquish my visionary plans, and to content myself in good old Massachusetts the residue of my life. I have copied a few lines from the above mentioned poem, entitled

* This is on a population of half a million of souls.—Ed.

† Small shell-fish.—Ed.

'HARD TIMES,' and will thank you to insert them in your paper:—

"Crowds follow crowds, the western world t' explore,

Till those extensive wilds will hold no more;
There nature's blessings are profusely stored,
Yet, only toil or wealth will purchase bread,
And those who dream'd spontaneous crops would grow,

Have sought in vain a paradise below.
And those who flee from labour's hard-earn'd fare,

Will not be pamp'rd without labour there.
Others, enticed by glowing maps to fly,
And fix their dwellings 'neath a friendlier sky;

In vain seek *Blakely's* ideal streets and squares,
Where traders flock to vend unsightly wares.
This fairy city, at the approach, has fled,
And left no shelter for the houseless head;
Foxes and alligators here have holes,
But *Emigrants* must do without, poor souls!
The drifting sand their nightly pillow forms,
The lofty pines, their shelter from the storms,
With *rice* and *ground-nuts* rather dryly fed,
And *sweet-potatoes*, substitute for bread,
The tall *Palmetto's* leaves, entwined in braid,
From scorching rays may there protect their head.

Thus, all these greedy enterprising folks,
Find out, at last, that *Blakely* is a hoax;
And, in this lottery, draw, for these their labours,

The laugh and scorn of all their southern neighbours.

Our grave New-Englanders may boast of wit,
Yet *bitters* often times are silyly bit;

The total sum of *Alabama* fame,
Is but returning wiser than they came:
And wisdom, when thus hard and dearly bought,

Is not so soon, or easily forgot."

A PEEP AT BOSTON.—A wit (such as he is) of Boston, in North America, gives us the following pictures of society and manners in his native town, for the month of February last. One feature is the taste for sleighing, or driving sledges in snow-time.

The late rain has made it very slippery walking, and some of the people of the town are too lazy, or too much otherwise engaged, to clear their sidewalks of ice.—An old gentleman, yesterday, in attempting to make a neighbourly visit, dislocated his shoulder blade, by a fall which probably will render him an invalid during life!

A young lady, with a valuable china set (which she had just been purchasing) in passing through N—y Street, was precipitated head foremost into a snow-bank, at the expence of the whole set of china, except two pieces that remained unbroken.

See, there, half a dozen cords of wood before the door of neighbour Accommodate us, directly in the side-walk, and a lusty bank of snow in the rear!—what say, Lady B. you have made engagements to dine abroad: will you *clamber* over this wood, at the risk of a broken leg?—or wait until it is removed by the sawyer?—or turn off into the snow-bank? or wheel about, and return home again?—of the *four evils*, madam, choose the least.

"Tis fine sleighing, and fine times for

the keepers of *livery stables*, but woful times for their poor *horses*—'money makes the mare go,' and *horses* too, thinks I to myself. Yesterday, when I espied a poor beast attached to a double sleigh, containing seven '*blue jackets*,' each with a lusty cudgel in his hand, belabouring the poor animal at every step. Ah, (thought I to myself) if a *few* of the blows inflicted upon that poor horse's back, fell upon the back of the owner—no matter.

Those who have an *ear* for the nocturnal bawling and hooting of some of our 'high bloods' (on their return from a d-nk-n sleighing frolick, at midnight) may now be gratified—care should, however, be taken, to remove their *sick* friends into their back chambers, and they ought to be particular that they do not mistake the *musical* sound of 'Bravo, (hic-up) d-mme, Bravo!' for the alarming cry of 'Fire!'

FRAGMENTS

Of a Tour in Italy,

No. IV.

FLORENCE.

FLORENCE is well supplied with hospitals; the principal one is in a noble street, called the Via Larga. During the spring, an epidemic disease raged, said to be chiefly occasioned by famine; it principally attacked the poor, who suffered greatly in the more mountainous districts, where the entire failure of the crop of chesnuts, their greatest article of subsistence, has produced extreme misery. Numbers have been in a state of starvation, and dreadful illnesses ensue, want compelling them to eat unwholesome and pernicious provisions, and even leaves of trees, and bark. We saw many devouring the dry stalks of cabbages. As there are no established hospitals in the country, the sick were brought in numbers to Florence, and caused great alarm about the infection; many died in the hospitals, but few in private houses, and every precaution was taken by the Government. It is customary here to bury the dead in twenty-four hours, or less, after decease; and, till a prohibitory law was enacted by Leopold, they were often carried out three or four hours subsequent to their death. The burial-place is four miles out of the town, on the Bologna road; a large enclosure, where a priest resides, entirely occupied in the burial office. Soon after the vital spark is extinct, the bodies are removed to the St. Galle gate, and remain there till midnight, when two carts arrive to fetch them away. Once, passing through this gate, at twelve at night, we met these vehicles: on making an

inquiry how many dead there were, we learned, eighteen; and expected, therefore, to see a long procession of carts, but only two machines, like huge coffins, passed us, each drawn by a couple of mules, and we were told that nine corpses were squeezed into each. To us, who were accustomed to see respect paid even to the remains of paupers, the idea was truly horrible; especially as these bodies were to be buried absolutely naked, and without coffins, which are almost unknown. When we expressed our wonder at the possibility of putting so many into one box, the driver smiled, and observed, that being dead, they made no objection; and, by dint of careful package, the feet of one to the head of the other, some being great, and some small, ten or eleven could go very well. As they bury so soon after death, it perhaps sometimes saves distressing events, that coffins are not used. A friend told us a frightful instance of mistaking a fit for the actual extinction of life. A poor woman, the wife of a carrier, supposed to be dead, was put into one of these machines, with five other bodies: the person who acts as keeper to the dead-house, has one key of this cart, and the man at the burial-place has another; on the night in question, the driver heard dreadful groans proceeding from one of his passengers, but could afford no relief for a considerable time, being distant from the place of interment. At last, this poor woman was released from her dreadful situation, from the close neighbourhood and touch of the lifeless corpses, who were her fellow-travellers, and restored to bodily health; but the effects of finding herself in this sepulchre, produced an indelible alteration in her mind and reason, as well as her countenance. She is now alive, and perfectly well known to the Abbé F—, who related the circumstance to us. The practice, however, here described, belongs, as will be supposed, only to the lower classes.

Early English Poetry.

SONG.

BY SIR J. WOTTON.

YON meaner beauties of the night,
That poorly satisfy our eyes,
More by your number than your light,
Like common wand'ers of the skies:
What are you, when the moon shall rise?
Ye violets, that first appear,
By your pure purple mantle's known,
Like the fond virgins of the year,
As if the spring were all your own;
What are you, when the rose is blown?

Ye wand'ring chaunters of the wood,
That sweetly warble nature's lays,
Thinking your passions understood
By your weak accents: what's your praise,
When Philomel her voice shall raise?

So when my mistress shall be seen,
In sweetness of her looks, her mind
By virtue first, then choice a queen;
Tell me, if she was not designed
Th' eclipse and glory of her kind?

WILLIAM AND MARGARET.

AN ANCIENT BALLAD.

With Mallet's alterations in Notes, copied from
a scarce book.

When Hope lay hush'd in silent night, (1)
And woe was wrapped in sleep, (2)
In glided Margaret's pale-ey'd (3) ghost,
And stood at William's feet.

Her face was like an April sky, (4)
Dimmed (5) by a scattering (6) cloud,
Her clay-cold lily hand, knee high,
Held up her sable shroud.

So shall the fairest face appear,
When youthful years (7) are flown!
Such the last robe that Kings must wear,
When death has reft their crown!

Her bloom was like the morning (8) flower,
That sips the silver dew,
The rose had (9) budded in her cheek,
Just opening to the view.

But love had, like a canker-worm,
Consumed her tender pride; (10)
The rose of beauty pal'd and pin'd, (11)
And (12) died before its (13) time.*

Awake, she cried, thy true love calls,
Come from her midnight grave;
Late (14) let thy pity mourn a wretch (15)
Thy love refus'd to save.

This is the dark and fearful (16) hour,
When injured ghosts complain,
And lover's tombs (17) give up their dead
To haunt the faithless swains.

Bethink thee, William, of thy fault,
Thy pledge of broken truth;
See the sad lesson thou hast taught (18)
To unsuspecting youth (19)

Why did you first o'er prize my charms,
Yet all those charms forsake?
Why sigh'd you for my virgin heart,
Then leave it thus to break?

Why did you present pledge such vows, (20)
And none in absence keep? (21)
Why said you that my eyes were bright,
Yet taught them first to weep?

Why did you praise my blushing lips, (22)
Yet make their scarlet pale?
And why, alas, did I, fond maid,
Believe the flattering tale?

But now my face no more is fair,
My lips retain no red;
Fixed are my eyes in death's still glare, (23)
And love's vain hope is fled. (24)

The hungry worm my partner is, (25)
The winding-sheet my dress,
A long and weary night must pass,
Ere Heaven allows redress. (26)

But hark! 'tis day—the darkness flies, (27)
Take one long last adieu,
Come see, false man, how low she lies.
Who died for pitying (28) you.

* Compare this verse with the speech of Viola—
"She never told her love." &c

The birds sang out, the morning smil'd,
And streak'd the sky with red, (29)
Pale William shook in every limb,
And started from (30) his bed.
Weeping he sought (31) the fatal place,
Where Margaret's body lay,
And stretch'd him o'er the green grass turf
That veil'd (32) her breathless clay.
Thrice call'd unheard on Margaret's name,
And thrice sore wept her fate; (34)
Then laid his cheek on (35) her cold grave,
And died and lov'd too late. (36)

(1) 'Twas at the silent solemn hour, (2) When night and morning meet. (3) Grimly. (4) Morn. (5) Clad. (6) Wintry. (7) Youth and years. (8) Springing. (9) Was. (10) Early prime. (11) Grew pale and left her cheek. (12) She. (13) Her. (14) Now. (15) Hear the maid (16) Dum and dreary. (17) Yawning graves. (18) And give me back my maiden vow. (19) And give me back my troth. (20) Promise love to me. (21) And not that promise keep. (22) Say my lips was sweet. (23) Dark are my eyes, now closed in death. (24) And every charm is fled. (25) Sister. (26) And cold and weary last- our night, Till that last morn appear. (27) The cock hath warned me hence. (28) Love of. (29) With beams of rosy red. (30) Raving left. (31) He hyed him to. (32) Wrapt. (33) And thrice he call'd. (34) He wept full sore. (35) To. (36) And word spake never more.

None can help remarking how poor and flat the last line of the copy ends in the ballad in comparison of the original. The moral is there left out, as well as in the 8th stanza.

CITY PRIVILEGES.

(Continued from our last p. 121.)

Thus, then, there were three classes of trials for society at large; Battle for freemen, oaths for priests, and fire and water for women, infirm persons, and slaves. But, by degrees, the arts of peace increased in estimation; their professors rose in the scale of society, and were privileged for their encouragement; and, on this occasion, a *new class of freemen was created*—freemen, not by birth and landed tenure, but by Charter—freemen, not warlike, but composed of artizans and traders. Now, these freemen had their *Free Law*—they were raised above the modes of trial belonging to slaves, because they were *freemen*—and they did not aspire to the honours of Trial by Battle, because they were not warriors, but artizans or traders. Their privileges, therefore, were assimilated to those of the clergy—though they were still kept at an humble distance even from these—they were men of peace, but not men of sanctity—and consequently, while the priest was permitted to discharge himself by his single oath, the lay citizen was obliged to produce his neighbours, who were to swear that he was worthy of being believed on his oath. This is a Wager of Law; this is its foundation, as a privilege of freemen of cities; and this is the privilege which stands opposed to Trial by Battle at the suit of the subject, and Trial by Jury at the suit of the Crown.

“Blackstone seems to suppose, that Wager of Law stands in opposition to Wager of Battle; as if Battle were not Law. But we have now repeatedly seen, that the

laws, or modes of trial are many, and that Battle (*legem manifestam*) is one of them. Wager of Law is merely a popular name. Oath Law (*legum sacramentum*) is the true one, and this stands opposed to Assize Law, (or Trial by Jury) as much as to Trial by Battle.

[In a previous passage, the author has taken some wider views of the subject, and shows, that another and more extraordinary privilege of freemen of cities, (the existence of which is, probably, little suspected, and claim of which would be of fearful consequence,) appears to stand upon an equal footing with the foregoing:—]

A writer has recently said, “I incline to consider this proceeding [Trial by Battle] as much obsolete as the *Ordeal*: and am almost as much surprised to find it for a moment entertained, as I should be to hear of an Appeal to the *Judicium Dei*; and, in fact, Wager of Battle is nothing else.” “It is undeniable, that Wager of Battle was once a legal proceeding; but so was the *Ordeal*. Mr. Barrington could not discover when the *Ordeal* was abolished; nor when the Wager of Battle was abolished; but, surely, the good sense of the Judges will presume, &c.”—Trial by *Ordeal*, like Trial by Wager of Law, or Compurgation, * was part, and a most popular part, of the Law of the Land, at the Norman Conquest. It was in high favour with

* Wager of Law (*vadatio legis*) is so called, because the parties gave pledges or gages (*radia*) to try the suit by Battle; so, here, the pledges were given to comply with the law. “The manner of waging or making law,” says Blackstone, “is this: he that has waged or given security to make his law, brings with him into Court eleven of his neighbours—for by the old Saxon constitution, every man's credit in Courts of Law depended upon the opinion which his neighbours had of his veracity. The defendant, then, standing at the end of the bar, is admonished by the Judges of the nature and danger of a false oath; and if he still persists, he is to repeat this or the like oath, &c.” “And thereupon his neighbours, or *compurgators*, shall avow [aver] upon their oaths, that they believe in their consciences that he saith the truth; so that himself must be sworn *de fidelitate*, and the eleven *de credulitate*.” These oaths incur a discharge of the defendant. Blackstone insists that the number of compurgators must be eleven, in order to make, with the defendant, the number of twelve; and, after the institution of Juries had really made progress in this kingdom, it is very probable that the number eleven was in some measure fixed. But the regulated number was, in some instances, as high as forty, and the primitive notion seems to have been, that the number of compurgators on the part of the defendant, should be double that of the witnesses on the part of the plaintiff; whence we may account for the doctrine of Fleta, who thinks four or six compurgators sufficient, and the information conveyed by Robertson, who asserts that they were sometimes as many as three hundred. Blackstone countenances a notion, that Wager of Law is so called in contradistinction to Wager of Battle; but of this more hereafter.

our Saxon ancestors; it was particularly valued in the trials of women, who could not defend themselves by Battle, and who, perhaps, could not so easily as men, bring a host of Compurgators to answer for their innocence*. The trial or deliverance could indeed suit few or none beside those of some standing in society; and hence the poor of both sexes must have looked upon the *Ordeal* as their rock of safety. The earnestness with which the nation clung to both, is manifested by the existence of numerous Charters, or grants of desired privileges, in which, in bar of the Norman policy, *Ordeal* and Wager of Law were permitted. Trial by Jury had little or no popularity; Trial by Battle had its dangers; and *Ordeal* and Wager of Law were much the easier roads to acquittal under all accusations. One or both of these were included in the name of *Free Law*, in contradistinction to Jury and Battle. Though the church condemned the *Ordeal**, its ministers were compelled to yield to it; and there are various grants by King John, to the bishops and clergy, to use the *Judicium Ferri, Aquæ, et Ignis*, which, to make the best of it, was only performed in the churches, or on other consecrated ground. The same King granted charters to several cities, securing to them, either trial by the ancient law generally, or by oath or *Corsned*† or by compurgation, more particularly. Trial by Battle, and Trial by Jury, were the objects of aversion§. The

* Hence the practice of attempting to drown witches. This is the Water *Ordeal*.

† “Cum sit contra præceptum Domini Non tentabis Dominum Deum tuum.”

‡ The *Corsned*, or morsel of execration, was a mode of trial by the single oath of the party accused. The *Corsned* was a piece of bread or cheese, of about an ounce in weight, which the person swearing was made to swallow, first praying of the Almighty that it might cause convulsions, paleness, or find no passage, if he were guilty, &c. To this form, the Church added consecration of the morsel, and finally substituted the kissing of the Bible, with an appeal to God and the Saints. Blackstone remarks, that the remembrance of the custom still subsists in certain phrases of the common people: as, “I will take the sacrament upon it; may this morsel be my last, and the like.” The custom is natural, and therefore ancient; it is proscribed in the Mosaic law; and an example of its practice occurs in the New Testament, in the story of Ananias and Saphira. It exists among us at this day, but only in an inverted form. By the ancient practice, a single oath was conclusive on the side of the defendant; in our modern Courts of Conscience, a single oath is conclusive on the side of the plaintiff.

§ The reader sees the absurdity of supposing that either King John, or the other royal subscribers to the great Charters, were urged by the popular voice to make the Judgment of a man's Peers the only law of the land; when, in reality, the superstitious customs—and the reliance on purgation—and compurgation—were the darling laws of the people—were what they called their *Free Law*: in absolute opposition to Trials by Battle and by Jury, which were pressed upon

Norman priests, who, though they were not absolutely the first messengers of Christianity in England, found the Saxons pretty largely imbued with Paganism, brought with them the Canon Law, which declared Trial by Ordeal to be a fabrication of the Devil. The same law had so declared it, in Denmark, a century before; but the Saxons were still but little disposed to part with it. Trial by Jury, as well as Trial by Battle, had certainly existed under certain forms, and to a certain extent, in England, under our Saxon and Danish kings; but the Normans brought both into more frequent practice, and eagerly endeavoured to establish them in England, to the suppression of Compurgation, and still more to that of Trial by Ordeal. The people of England regarded this as a hardship; and Magna Carta, so far from describing the Trial by Jury as "the law of the land," as is sometimes represented, was, I am persuaded, expressly intended to save the people the concurrent existence of other modes of trial, particularly those of Compurgation and of the Judgment of God.* Henry

them by their conquerors—were what, therefore, they prized, in the highest manner, as their liberties—and the continuance of which they were anxious to buy, to beg, and to seize, at the hands of the Sovereign—which individuals sought for themselves, and corporations for their communities! Of proofs of the latter proposition, from City Charters, enough is seen in the text; and of proofs of that which went before, the subjoined is one example.

In Madox's History of the Exchequer, p. 296, we find "Walter de Burton paying ten Marks for Free Law, in an Appeal for Wounding." The Conqueror granted to the English, that if appealed by Frenchmen, they may have their choice either of Battle or of Ordeal; but it would have been no favour, in the estimation of those days, to substitute Trial by Jury:—"In the laws of William the First, it is decreed, that if a Frenchman Appeal an Englishman of Perjury, Murder, Theft, Manslaughter, or Robbery, 'Anglicus se defendat per quod melius voluerit; aut Judicio Ferri aut Duello.'"—Selden's *Duello*, p. 42.

* The words of Magna Carta are singularly strained, when they are made to say, that "no freeman shall be arrested, imprisoned, &c. &c. except by the lawful Judgment of his Peers or the law of the land;" and yet this is the construction given, not only by ignorant demagogues, but by the learned Blackstone. First, we are to observe, that the original Latin will bear no such grammatical construction; and, secondly, that if it could, it would be at variance with a great part, as well of our ancient, as of our modern jurisprudence; that is, with our history, and with our practice.

First, of the grammatical construction. "Nullos liber homo capiatur, &c." says Magna Carta, "nisi per legale iudicium parium suorum, vel per legem terræ." Now, the two concluding members of this sentence are most disingenuously or most illiterately forced, by the popular translators, into one member: "Unless declared to be forfeited," says Blackstone, "by the judgment of his Peers or the Law of the Land;" (Blackstone, iii, 23.) no notice being taken of the disjunctive *per*, "by"—"by the Judgment of his Peers, or by the Law of the Land." But Blackstone is not

I. had before invested the citizens of London with the favourite privileges, as far as the prerogative permitted: "None of the citizens of London," says this Royal Charter, "shall Wage Battle* ; and if any of the citizens shall be impleaded concerning *pleas of the crown*, the man of London shall discharge himself *by his oath*†." Henry II, in a subsequent Char-

ter, renewed the grant of these privileges, saying, that "none of the citizens of London shall Wage Battle; and of the pleas of the crown, they may discharge themselves according to the *old usage of the city*." Richard II, in a third Charter, provides, "that none of them may wage Battle, (that is, none of them *be appealed*) and that they may discharge themselves of the pleas belonging to the Crown according to the *ancient custom of the city*."

The Charters of John, or one of them, and several of the Charters of Henry III, to the same city of London, contain repetitions of these words; but one of the Charters of the last mentioned sovereign is remarkable for the introduction of words qualifying one of the privileges, and at the same time throwing light on the "ancient custom" of trial by oath of the party, and bringing to light a custom still more extraordinary, perhaps, than any which have been yet alluded to, and giving some explanation of the attachment to Free Law, and dislike of Trial by Battle and by Jury! The words are as follows: "We have also granted, &c., and that none of the said citizens may wage Battle; and that for the pleas belonging to the crown, (chiefly those which may chance within the said city and suburbs thereof) they may discharge themselves according to the ancient custom of the said city: this notwithstanding except, That upon the graves of the dead, for that which they [the dead] should have said, if they had lived, it shall not be lawful precisely to swear. But, instead and in place of those deceased, (which, before their deaths, to discharge those which for concerning the things, belonging to the crown, were called and received) there may other free and lawful men be chosen, which may do and accomplish that, without delay, which by the deceased should have been done, if he had lived*." Here, a man, standing upon

of the crown, as in suit of murder by inquest or on indictment, no "man of London" should be obliged to put himself on a Jury, or on "the country;" for Battle, when the suit was the King's, was out of the question. Whether the "oath" here intended is the single oath of the party, or Corsned, or Compurgation, or Wager of Law, may be uncertain; but it was probably the latter.

* Charters of the City of London, p. 25. It would not be easy, perhaps, to give any elucidation of this extraordinary custom from our English law-books; but it is a curious fact, that a formal account of it, with additions, is to be found in the *Assizes de Jerusalem*, and this is one of the many examples of the correspondence of the common or customary law of England, with that of the whole of the ancient world. In reference to this source of illustration of the English Common Law, the author of the "Argument" from which our extracts are taken, has it in contemplation, we understand, to print a collection of the Ancient Tracts, on the customary law of the different kingdoms of Europe, with translations, notes, &c., and thus to assist a branch of study eminently desirable to the liberal and philosophical lawyer, to the historian, the legislator, and general

† Thus the King granted, that as to pleas

the grave of a dead person, is allowed to swear to what that person, if alive, would have said! Such is one of our samples of Saxon customs, the ancient customs of our cities—and such is part of the explanation of the attachment of our ancestors to their Free Law—*Liberem Legem**. On every occasion, the Saxons preferred the free law of trusting to miracles, and to the oaths of the defendants themselves, who were only to swear themselves innocent of the crimes imputed to them, or to swear that they had paid the debts, or restored the goods, that were demanded of them—to the bonds of proof by witnesses—judgments by Juries—orthenecessity of defending their oaths by their bodies! It is on this principle that the citizens of London, and other cities in this kingdom, are exempted from battle, if appealed at the suit of the subject, and from pleading to indictments at the suit of the crown†—and may discharge themselves, in all criminal suits, by Compurgation, or Wager of Law. Thus, in the charter of the City of Dublin, granted by Prince John, afterwards King, we read, “That no Citizen shall wage Battle (*faciat Duellum*) within the City upon any Appeal that any person may bring against him, but shall purge himself by the oaths of forty lawful men of the said City‡;” a passage which throws further light on that contained and reiterated in the Charter of the City of London, because it explains what it is for the citizens to “discharge themselves, of the pleas belonging to the crown according to the ancient custom of the city§.” It is remarkable, that the last express mention of the privilege in view, in the Charter of London, is in a

scholar. Robertson, Daines, Barrington, and Mr. Reeve, (in his History of the English Law), have strongly recommended this branch of reading.

* By the Charter of London, the favoured citizens are further made “free and quit of Childwife;” the same, says a Commentator, with Leirwite, or Lecherwite, i. e. money paid, or punishment, for corrupting or getting a bond-maid with child.” *Charter of London*, p. 6.

† I mean to contend hereafter, that if the citizens of London, &c. are exempted from Trial by Battle, they are also exempted from Trial by Jury, in all pleas of the Crown, unless where a special provision shall be shown to have been made to the contrary. Whether citizens, who cannot, upon Appeals against them, be forced either upon Battle or upon a Jury, are entitled to appeal others, and oblige them to accept one of the two alternatives, is a separate and serious question.

‡ “Quod nullus Civis faciat Duellum in Civitate, de aliquo Apello quod quisquam versus eum facere possit, sed purgabit se per sacramentum 40 hominum ipsius Civitatis, qui legales sunt.”

§ How they are to discharge themselves of Appeals is not expressed; but, by analogy, it is here, also, by Wager of Law. It may deserve remark, that according to the words of the Dublin Charter, the privilege does not follow a citizen without the walls of the city. Thus, if a citizen of London is appealed or indicted in the county of Surry, he must go to Battle or to a Jury.

charter of Henry III*, and that it is there accompanied by a restriction upon the “ancient customs of the city,” and, by the substitution, in the case described, of the verdict of a Jury, for the single oath of a party. This seems to corroborate the accounts given of the gradual disrepute into which Wager of Law and similar forms of proceeding fell among us: and, in the whole matter, we may perhaps discern how Trial by the Judgment of God, came to be incorporated with Criminal Trial by Jury. The Norman conquest promoted Trial by Jury; it found in England Trial by Compurgation and by Judgment of God. All the Norman Kings of England are described as anxious to promote Trial by Jury†; the taste of their Norman subjects was for Trial by Battle‡; the taste of their English subjects was for Trials by Compurgation and by Ordeal§; they were obliged to indulge both, as we see the proofs. Now, Trial by Ordeal is said to have been abolished entirely in our Courts of Justice by an Act of Parliament in 3 Henry III, according to Sir Edward Coke, or rather by an order of the King in Council§. It is, perhaps, plain, that

* The Charter of Charles II, (the latest London Charter) confirms all former grants, except as therein excepted; and there is no exception as to this privilege.

† We find William introducing Trial by Jury by his conquest, and his successors upholding it by their charters, though with a popular reservation in behalf of the ancient customs. Henry II introduced the Grand Assize upon questions of right. “This wise prince,” says Henry, “was no friend to the superstitious modes of trial by fire and water ordeals, nor to the barbarous one by single combat, especially in civil causes. He therefore endeavoured to introduce trials by juries. With this view he made a law, allowing the defendant, in a plea of right, to support his title either by single combat, or by a grand assize,” which (says Glanvill) is a benefit granted to the people by the King’s clemency, upon consultation with his Nobles, in tenderness of life, whereby men might decline the doubtful success of battle, and try the right to their freehold in the other way.” “This was a great improvement in English jurisprudence, and from hence we may date the more frequent use of Juries than in former times.” *Henry, Hist.* vol iii, p. 368.

‡ While, as we have before seen, Madox’s History of the Exchequer furnishes us with examples of fines paid to escape from Battle to Wager of Law, the same work shows other individuals preferring Battle to Ordeal: “The same King, (John) by Letters Patent, remitted to Nicholas de Savigny the *Legem Aquæ* which he was to have undergone: and granted to him the liberty of waging Duell within the King’s dominion of Normandy.” *Hist. Excheq* p. 564.

§ “Ordeal,” as our author elsewhere teaches us, properly signifies “trial” of any kind; but it is used, throughout the “Argument,” in the sense more commonly received of “Trial by the Judgment or Miracle of God”—Ed.

§ Blackstone, iv, 27.

Where Magna Carta provides against certain abuses of the Wagers of Law and Battle, there also we find a confirmation of

it is not abolished “entirely,” even at this day. Some difficulty may even be opposed to this abolition, as well as that of Trial by Battle, by Magna Carta; for, if that instrument assures to the subject the Trial by his Peers, (*legale iudicium parium suorum*) it also assures to him the other customary forms of trial (*legem terræ*) of the kingdom. Now, the Charter expressly contemplates, by name, the Trials by Battle and by Wager of Law, and ought, it must seem to be understood, to contemplate Trial by Ordeal also*. What then, if Henry III, (the act or ordinance of that Prince is lost) or if some other Norman King, contrived to merge the Trial by Ordeal, in criminal cases, in Trial by Jury? To be tried by Jury was originally to be tried *per pais*, that is, by “the country;” and the Trial by Ordeal (*per Dieu*); and here we have the trial *per Dieu et per pais*; “by God and the country.” Thus, we seem to show, that in criminal cases, it is in the Trial by Jury, and not in the Trial by Battle, (as Robertson and so many others would persuade us) that we appeal to the Judgment of God; thus we throw back the charge of impiety, if there be any, from the Trial by Battle to the Trial by Jury; and thus we offer a new reason, why Criminal Trials by Jury should be final: “The decision,” says Robertson, (speaking erroneously of the Trial by Battle) “being considered as an appeal to God, ought to have been acquiesced in as final†.”

TRAVELLING ANECDOTES.

FROM

JULY TO SEPTEMBER, 1818.

(Concluded from our last.)

MR. DIBDIN.—This gentleman has an article in the Annals of Millin, per-

the good old doctrine, that Appeals or Challenges to Battle are not to be made without first convincing the Court that there are grounds for them: “Nullus ballivus de cætero ponat aliquem ad Legem Manifestam (that is, Wager of Battle) nec ad Juramentum (that is, Wager of Law) simplici loquela sua (that is, merely by Count or Declaration) sine testibus fidelibus ad hoc inductis.” *Blackstone’s Commentaries*, iii. 22.

* That Ordeal was part of the “law or custom of England,” (*legem terræ*) before and at the time of the date of the Charter, admits of no question.

† While this sheet is going through the press, the newspapers supply, in the report of a trial at the Old Bailey, a warrant for the argument I have used, as to the manner in which, even by modern interpretation, the divine interposition may be considered as operating on the criminal verdict of a Jury. The case is a charge of rape, and Mr. Baron Garrow is described as charging “the Jury to tread with peculiar caution. For it was necessary by law that a single witness only should be adduced, and unless surrounding circumstances should, under the protection of Providence, intervene, it might be possible that a single witness might fix a capital punishment upon real innocence.”

haps the last he ever wrote, where Mr. D.'s *Voyage Littéraire* in France and Germany, in search of scarce early printed books, such as Lord Spencer and Mr. Heber never saw, is spoken of with delight and much commendation.

Bibliomania is well described by a French author:—

Le premier curieux sottement s'avisa,
De faire une Bibliothèque,
Contre un si grand abus
Le sage se rebeque,
Et sans se surcharger
Lit les livres qu'il a ;
Mais le Bibliomane
Amasse sans cesse,
Et place là tout son argent :
Autant qu'a le sacroite
Il paroît diligent
Autant à s'en servir
Il montre de paresse.

In former times, librarians were ignorant to a proverb, and "hitch'd," in rhyme, as Pope has said; and Young,

— "Of books to assume the care,
As eunuchs are the guardians of the fair."

M. Bantru, in the seventeenth century, a distinguished member of the French academy, travelled in Spain, and was presented to the King, Philip the Third, who asked him if he had seen the Escorial; Bantru answered in the affirmative, and added, "Your Majesty might make your librarian your minister of finance;" "for why," asked the king; "because he has never touched any thing entrusted to his care." The librarians, Langlès and Van Praet, are widely different from the man, who, in cataloguing a Hebrew Bible, described it to be,—"Item, a book, the beginning of which is at the end." These gentlemen, beside the consummate knowledge of their offices, are remarkably civil and attentive to all, but particularly to those who relieve the dull repetition of the librarian's duty, by knowing something of what they are inquiring after.

ARTAUD.—M. Artaud has printed a description of an interesting tessellated pavement, lately dug up at Lyons, of which M. Millin had a drawing. The original Mosaic is in colours, but the design in M. Millin's portfolio is plain. The pavement represents a circus, or chariot-race, with all its accidents and varieties; the drivers of the cars are blue, red, green, and white, which colours continued to distinguish the factions till the time of Justinian. The white was snow, or winter colour, the green the vernal quarter, the blue the autumnal, and the red summer; to which Domitian added the purple and the gold. The dissensions of two factions, in Jus-

tinian's reign, were the cause of a quarrel that ended in the massacre of 40,000 men.

There is here, at Paris, at this time, many a *preux chevalier des amants brunus*, rejected lovers of the monarchy, who, after having passed twenty years in exile with their king in England, cannot persuade their master, at his restoration, to grant them their rank, though their heads are bald with the numbers that have stepped over them to promotion. They, in the mean time, console themselves, some with the sciences, and some with the muses, and some with both:—such is the energy of their minds, that they have taste for both, and the man who can calculate the height of the moon's atmosphere, or resolve a problem in astronomy, writes a pretty epitaph on a dead bullfinch, which his friends translate into English and Latin.

The astronomical part I may be permitted to leave out, in this place, as it is recorded elsewhere, but the verses I will give:—

Sous ce tombeau git un bourreuil,
Qui chantoit comme Philomèle;
Et qui mouroit enflé d'orgueil,
D'être l'oiseau cheri d'Adèle.

Beneath this lowly turf a bullfinch lies,
Who could dispute with Philomel the prize,
But ah! too happy grown, he swell'd with pride
To be Adela's favourite, and died.

Ales quæ Philomela velut cantare solebat
Infelix hoc sit cespitè clausa jacet;
Nam quia corde tumens nimiumque inflata,
quodesset
Deliciæ Dominæ, mortue clausa jacet.
L'anneau de la reine Berthe.

In this piece the words are used, in speaking of the stags, the horn, and the hunters, Taillaut and Brifaut, which are the names of two dogs; the latter we find in La Fontaine.

Il s'en fuit dans son fort—
Mais les chiens en défaut,
Sans en excepter Brifaut,
L'autre fit cent tours inutiles
Entra dans cent terrien, mit cent fois ende faut
Tous les confreres de Brifaut.

The words tally-ho, used in fox-hunting, seem to be nothing more than the name of a dog, in French.

The heat, at Paris, was the greatest and the most oppressive at three o'clock p. m., on the 24th of July: 26½ of Reaumur, and at London, on the Friday, 26th of July, as high. On the 25th, the fête de St. Louis *et du Roi*, such was the enthusiasm for the unveiling of the statue of *Henri Quatre* on the *Pont Neuf*, that the people suffered the procession of the king and royal family to proceed from the Thuil-

leries, by the *Rue de la Paix*, the Boulevards Italiens, Monmartre, and St. Antoine, to the *Quai de Conti*, and the bridge opposite the statue, a considerable distance, like the dead march in Saul, without a single huzza, till they were in sight of the statue, when, having refrained so long, they burst out into a ceaseless roar of *Vive Henri, Vive le Roi*. Whilst many showed their joy and gratitude *viva voce*, and many, by largesses towards the erection of the statue itself, contributed their quota in money. Monsieur Simver, by dead works on Voltaire's *Henriade*, which he bound gorgeously, and presented to the king, came not behind the most liberal in his acknowledgements of what he owed to his majesty and his great predecessor.

The inscription on the pedestal of the statue is evidently meant to be classical and Horatian; but it is Horace misapplied and ill understood, as will be seen on comparing Horace with the inscription:—

Notus in fratres animi paterni
Viret extento Procleius cevo;

which, interpreted, means, Procleius will live for ever, for his kindness to his brothers, who had lost their fortunes in the civil wars, and for having done what his father would have done had he been alive.

On the inscription we read—

Henrici Magni
Notissimi Principis
Ob

Paternum in populum Franciæ amorein.

"The statue of Henry the Great, well known for his father's love towards the people of France;" that is, for the same love that Antoine de Bourbon, his father, showed to the people of France. Now, it is very clear that the writer did not intend this, but meant that "paternum" should mean "fatherly;" a sense which it has not, and cannot have, but must signify the love of the father of Henry the Great!

The French have many new words, which are not always intelligible to the natives: one of these is *mystifier*; of which, upon a lady declaring that she had been *mystifiée* once in her life for six months, I asked my neighbour the meaning of the term, and he explained it by saying, that she had married a man whom she thought she could lead, and, at the end of six months, she discovered that he led her.

Shawls in France are made so well in imitation of the Cashmere, that, for two hundred francs, you may procure one which cannot, at first sight, be distinguished from one of two hundred

pounds value, made in India. Shawls rise and fall like stock, and seven thousand francs have been given for a shawl to figure in upon great fêtes, which, a week before, was only worth five.

Talleyrand and the tall La Fayette are now not at Paris, but they will soon both be there again. The Royalists do not commend M. La Fayette, and his love for electioneering, where he has not been successful. They describe his long life, in verse, from the beginning of his political career, when he left the Queen's Quadrille for America; for he had figured but ill, in comparison of the beau Dillon, in the ball-room, and, in consequence of the "risées"—the "huées" he met with there, had cried out, "Je pars pour l'Amérique."

The satirists follow him all through the revolution, and are astonished to find him alive, after twenty years, and not as dead as his horse; much less can they repress their surprise at his re-appearance at elections. Their conclusion is friendly and affectionate:—

Ah! Monsieur, retournez, retournez à la grange,
Allez semer vos bleds, et faire la vendange.
Comme Cincinnatus, votre antique patron,
On ira vous chercher, peut-être, que sait-on?
Mais le siècle est ingrat, et si par aventure,
On feignit d'oublier une vertu si pure;
Si l'on vous croit petit, quand vous soyez grand,
Vous vous consolerez avec Lady Morgan.

CHARENTON.

Lord Bacon, in his first volume, quarto, 1765, London, p. 191, observes, that there are certain letters which an echo will hardly express, such as S for one, especially when it is principal in a word. I remember well, that I went to the echo at Pont Charenton, and there was an old Parisian that took it to be the work of spirits, and of good spirits too; for, said he, call Satan, and the echo will not deliver back the devil's name, but will say, Vat'en, which is as much as a page in Latin,—“Get thee gone!” Thereby I did hap to find that an echo will not return an S, which is a hissing letter, and of an interior sound.

HENRI QUATRE.

The statue of Henri, lately set up, they now pretend to be equivocal, and, having no beard, may serve hereafter, with change of inscription, for Napoleon, the Duke of Parma, or the Prince of Orange. The characteristic of the beard is wanting, they say, which the bust in the Rue Féronière has; under that, too, is an appropriate distich in Latin, in which there is no fault,

Henrici magni decorat præsentia civis,
Quo illi æterni fœdere junctus amor.

The French, on the near prospect of their emancipation, and the liberation from the ponderous weight of the Allies, begin to resume their constitutional gaiety, and speak as they think of themselves, which is, no doubt, very natural. In the Journal de Paris, they say,

Nous avons été jadis
Jeunes, vaillants, hardis,
Nous le sommes maintenant;
Et l'épreuve sera,
Que bientôt nous serons
Qui vous tous surprendrons.

The meaning is, that when the troops shall be withdrawn, France will be herself again.

A pamphlet, lately published, contained five plans for the better administration of the affairs of France, and no part of them appeared to me practicable; they were all visionary; *mais un petit résident*, Lord Chesterfield, has told us, *ne voit guère dans le fond du sac*, and no one can say, M. de Cazes is not a successful minister.

The five schemes were, 1mo, To establish a military government.

The imperfections of this mode are then stated, and the plan is declared to be impracticable, without a complete despotism.

2do, To change the dynasty. This is also rejected, and shown to be incompetent to promote the desired effect; at once unsuitable, inadequate, and defective in right.

3tio, To oblige minister or the King, “Ego et Rex meus,” to consolidate and constitutionalize the monarchy. Objected—This may be difficult, if not impossible.

4to, To break up the representative government, and annihilate the lords and commons. Objection—This is too violent, and too dangerous.

5to, To change the present ministry totally and entirely. This was the favourite scheme of the author.

BOOKS.

Besides the Conducteur, and Maps of the city and the environs, you want St. Foix's Historical Essays on the Streets of Paris, and particularly the Dictionnaire Etymologique des Rues, 1812, 8vo. And moreover, if you are an antiquary, you might procure *Paris tel qu'il est aujourd'hui, tel qu'il étoit à son origine, par Cointereau, professeur de l'Architecture novale*. This last small work has the convenience of two maps, that show what Paris was in former days, and what was its state at the revolution.

BREAD.

Bakers seldom make fortunes at Paris, where the bread is dearer and

worse than in the neighbourhood. The reason is, that the bakers in the capital are obliged to take their flour from the granaries of government, in equal parts of the old and the new *farine*. There is a baker who is pointed out as a rich one, but he has been long in business, and was—Boulangier du Directoire, du premier Consul, de l'Empereur, et du Roi. There is another who is getting money fast, by selling rolls to the English, in which there is not the sour taste that the French bread generally has.

S. W.

THE AMAZONS AND CENTAURS.

As English Artist of superior talents, while studying in that great school of all that is noble in art, the Elgin Collection of Marbles at the British Museum, has conceived a most interesting interpretation of the history of the Amazons and Centaurs, which will shortly be submitted to the learned world, and of which, we trust soon to lay the outlines before our readers.

Fine Arts.

PROFESSOR FUSELI'S LECTURES ON PAINTING AT THE ROYAL ACADEMY.

The third lecture was on *chiaro-scuro*, or light and shade. This he observed was one of the elements of art; as lines gave the form of an object, this gave substance to form. In its most simple meaning, it applies to a single object; in its more extended signification, it implies the union of the light and shade of several figures, so as to produce one whole. The most daring effects were allowable if suitable to the subject, but that they must still be subservient to truth. Leonardo da Vinci was the first who showed, in his pictures, shade to be the absence of light. Titian used models of wax by which he formed his groupes; and illuminating them by a lamp, obtained truth of light and shade. Paul Veronese, Correggio, and Rembrandt, were masters of *chiaro-scuro*, in its highest perfection.

Colour occupied his fourth lecture. He stated the difficulty of giving for it any precept. Glare, deception, and mimicry were to be condemned. Titian was the great master of colour, and it was him who established the negative nature of shade. He mentioned Michael Angelo's works in the Sistine chapel, and Raffaello's Heliodorus in the chambers of the Vatican, as examples for tone and arrangement. The merits of the Carracci, Paul Veronese, Tintoretto, and Rubens, were then severally dwelt on.

His fifth lecture was on invention. Every picture must constitute a whole and tell its story. The most momentous period must be chosen, a single moment, and the artist must not lose himself with adventitious ornament. He must give forms suitable to the characters repre-

ented, expression and action must correspond with each other, and the colour and effect must be suitable to the subject and scene. He must choose subjects the most advantageous for invention. These may be divided into three—actions merely human; historic subjects, singly, or in a series; and the Epic. The tug—the grasp of the Laocoon, he gave as an instance of the latter. Nothing mean or trifling should be admitted into a historical subject. The Epic should astonish and interest: Homer, Phidias, and Michael Angelo, occupied this sphere.

He condemned the use of emblems and changing substance for signs. Poussin's *Coriolanus* must not be classed under this censure. To show the folly of signs, he related an anecdote mentioned by Johnson, of a child mistaking the figure of Justice with the balance in her hand for a cherry woman.

The ancients gave distinction by form and character. The Goliath was personified under the different characters of Jupiter, Neptune, and Pluto. Apollo, Bacchus, and Mercury, were severally stamped, with individual distinction by character and form. Raffaele, in his personification of the Divinity, in the Loggia of the Vatican, is more violent than energetic. Representations of our Saviour had been given by Leonardo da Vinci, Raffaele, and Michael Angelo, but not sufficiently to realize church tradition and the mild dignity of his own character. He censured Mengs for recommending the Apollo as a model. What magic, he exclaimed, shall amalgamate the pride of the Apollo with the patient suffering of Christ!

He next adverted to the St. Jerome, by Coreggio, and dwelt with rapture on the half-kneeling, half-recumbent posture of the Magdalen. In speaking of the inventions of Rubens and Paul Veronese, he lamented the subversion of art in the marriage of Cana by the latter.

Portraiture next occupied his attention, on which he expatiated with infinite felicity and humour. Not that portraiture, said he, of Leonardo, of Raffaele, of Titian, of Rubens, and of Reynolds, where individual character was personified, and soul given; but that portraiture which perpetuated insignificance, which gives the mere transcript of a face, we never saw, never wish to see, or if we do, remember not. Portraiture, which formerly was confined to the good and great, has now become so widely spread, that every fool who has a skull to expose, and a guinea to lose, chuckles within himself that he can for that small sum encourage the staple commodity of the country, and become a patron of the Fine Arts.

He finished with Landscape; and in a highly satirical style ridiculed that class of landscapes commonly known under the denomination of *views*; consisting of hill and dale, house, wood, and meadow, which, however interesting to the owners of the several estates, as they may there count the number of their acres, could

be termed little more than map work: such was not the landscape of Titian, Rubens, Claude, Poussin, and in our days of Wilson.

The last lecture was on composition and expression. Composition may be divided into physical and moral. Its chief excellence is unity, propriety, and perspicuity. It began in monotony and opposition, it emerged into harmony and masses, it was debauched by grouping and contrast, and finally was subverted by affectation. The Last Judgment of Michael Angelo is a model for composition. Coreggio must be considered in his highest efforts, but as a machinist in comparison, and however much his cupolas, at Parma, may delight us, they are not legitimate composition. Composition takes various forms, the cone, the pyramid, the flame. It was inverted in the Apollo, it darted forward in the warrior of Agassius, it ascended in a flame in the Laocoon. In Coreggio, the grand-central light of a globe, imperceptibly gliding through lucid demi-tints into rich reflected strades, is the element of his style. It rushed like a torrent in *tintoretto*. It may be immersed into impenetrable darkness, and burnt like the sun's radiance from behind a cloud. It should be neither more nor less than what is required by the subject, and should result from it; if otherwise, it is no longer composition, it is grouping and ostentation. Such was not the composition of Raffaele. Raffaele was simple and artless; there is both possibility and probability; he persuades our judgments and interests our hearts.

Action and interest terminate together, therefore, the choice of the moment should be the middle. The end of the subject leaves nothing to interest the spectator, the beginning does not unfold it. Simplicity, propriety, and perspicuity, distinguish the compositions of Raffaele.

In the school of Athens, although a metaphysical subject, the groupes of philosophers are so arranged, that the spectator is led from himself to society, and from society to God. In the Cartoon of Ananias, the spectator, although unacquainted with the subject, becomes immediately interested. The agony of the fallen figure, the fear and astonishment of the youthful and aged figures near him, the uplifted arm and finger pointed to heaven of the figure raised conspicuously on a platform behind, shows the action to be momentous and supernatural. The figures differently engaged in other parts, appear unconscious of any thing extraordinary having taken place, particularly the woman coming forward counting the money. In the sacrifice at Lystra, Paul, although not in the principal light, is given elevation, by which he commands the whole groupe. The scene is at the gate of the temple of Hermes. The young man seeing Paul rent his clothes, presses forward to stay the hands of the man preparing to sacrifice the ox, by which the subject is unfolded. The

man on whom the miracle has been performed, is seen in the fore-ground, with his body inclined forward, and his hand pressed together, looking towards the apostle, while an elderly man of distinction, lifts up a part of his garment, and at once discovers and marks him as the owner of the crutches now lying useless on the ground. From mental composition he passed to technical: breadth, force, and light shade. Breadth, he observed, could easily be obtained, if emptiness would give it. Of the resuscitation of Lazarus, by Michael Angelo, he observed, that the Lazarus alone, would furnish a fine specimen of the classic age of modern art. He spoke of the advantages of a low horizon in composition, and alluded to the high horizon of some of the pictures by the old masters, by which the back figures appeared tumbling on the fore ground. He instanced the St. Peter, martyr, by Titian, and Rembrandt's *Ecce Homo*, as some of the grand effects produced by a low horizon.

Expression is closely allied to composition: it is the vivid image of passion, as it effects the mind and animates the features: its characteristics are simplicity, propriety, and energy. On truth of line, or drawing, depends proper expression, it acquires energy by light and shadow; the same passions will animate individuals differently, each having his exclusive character. Expression varies likewise in different classes; all this must be taken into consideration by the artist. He illustrated these observations by various characters.

No picture had been more ridiculously applauded than Le Sieur's Alexander. The expression of Alexander's countenance was inconsistent and injurious to his character; it had the prying look of a spy. He, who could be capable of such an expression, would not have ventured to act as he did—at least he would, in doing so, have been a felon to himself and a traitor to his army. It ought to have been a look of the most unbounded confidence; Philip the physician ought to have exhibited a contemptuous smile, or astonishment suspended by indignation.

Expression may be divided into four, calm emotions, joy, grief, and terror! It may be internal or external; it may convulse or absorb form. The Apollo is animated; the Niobe is absorbed; the Laocoon is convulsed; Hugolino is petrified. He alluded to the Agamemnon of Timanthes, where expression was concealed by his head being enveloped in a cloak, which had been repeated by Raffaele and others in a partial degree. Expression was brought to perfection by Raffaele, and was carried to extremes by Julio Romano; it seemed to revive with Domenichino, but his sentiment wants propriety. There are limits to expression; what excites our sympathy, is proper for representation; what excites our aversion—not so. He instanced the bad taste of Domenichino, in the martyrdom of St. Agnes, which he described as

disgusting and brutal. Raffaele had not wholly escaped this error as in the martyrdom of St. Felicitas, of which there is an engraving by Marc Antonio. He concluded by contrasting three pictures by Julio Romano, Vandyke, and Rembrandt, of Sampson betrayed, exhibiting the plot, the development, and completion of that tragedy. The two first were proper subjects for expression; the last exhibited a scene horrible and disgusting. The relations of these several pictures, were given in a powerful and highly descriptive manner.

We must now, in justice to Mr. Fuseli, remark, that we can convey but a very faint idea of the excellence of his discourses; indeed, it would be impossible to give an adequate one, unless we were to recapitulate word for word—and then even we should fail, as there would be wanting his feeling, animated, and energetic delivery. The publication of the whole course during his life time, would be a grand thing for art. A thousand guineas would be well bestowed by any bookseller in the purchase, and we are convinced, that two editions would instantly be sold among the artists only. We look forward, as we have done for years past, to a repetition of the delight he has afforded us, and shall hail the return of the ensuing season.

KNOWLEDGE AND SCIENCE.

Lithography.—A mixture of Plaster of Paris and alum, allowed to harden in a smooth and metallic mould, is found to answer full as well as limestone, in lithography, or stone engraving.

Flax Machine.—Baron D'Evelkrang, President of the Royal College of Commerce, at Stockholm, and author of many ingenious mechanical inventions, has lately invented a machine for spinning flax, which has been submitted to the inspection of a commission appointed by the King of Sweden. By means of this machine, ten persons may, during ten hours, spin thirty-six pounds of flax. It is said that Bonaparte offered a million to any person who would produce a machine with these properties, and the first attempt of the kind was made by a Belgian.

Gas.—The purification of coal gas may be effected in a more economical manner, by passing it through ignited iron tubes, than by the common application of quick lime.

Medicinal Properties of Gold.—Dr. Christien, of Montpellier, has made some experiments on the medicinal properties of gold. He declares that he cured a most obstinate siphylis with very fine filings of pure gold, rubbed upon the tongue in doses of one, two, and two and a-half grains. He further asserts, that the rubbing of four grains of pulverized gold upon the tongue and gums, produces, in some instances, a strong salivation, in others, violent diarrhoea and frequent perspiration.

NEW PUBLICATIONS.

February 24, to March 4, 1819.

ANATOMY.

A Series of Engravings, respecting the Bones of the Human Skeleton, with the Skeletons of some of the lower animals. By Edward Mitchell. Part I. 4to. 16s.

EDUCATION.

A New and Easy Introduction to the German Reading. By W. Heinemann. 12mo. 4s. 6d.

Treasures of Thoughts; from De Stael Holstein; with Cursory Remarks on her Writings, &c. 12mo. 5s.

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Conversations on General History, exhibiting a progressive View of the State of Mankind from the earliest ages to the year 1819. By Alexander Jamieson. 12mo. 6s.

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Practical Observations on the Treatment, Pathology, and Prevention of Typhus Fever. By E. Percival. 8vo. 7s.

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An Analysis of the Fifth Book of Hooker's Ecclesiastical Polity; being a particular Defence of the Church of England. 8vo.

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Travels in various countries of Europe, Asia, and America. By Edward Daniel Clarke, L. L. D. Part III. 4to. 4l. 14s. 6d.

A Tour through Sicily in the year 1815. By George Russell. With a Map and Eighteen other Engravings. 8vo. 1l. 1s.

Original Poetry.

THE REFUTATION.

[The idea of the following Poem originated in the perusal of Pliny's Introduction to the Natural History of Man.]

So sweep the glittering spheres th' ethereal bound,
While swelling diapasons float around,
For mortal ear too pure the high harmonic sound*;
So, circling the firm earth† in ample range,
To climes and seasons yield the needful change.
What beauteous order marks the wondrous plan,
And perfect source from whence it first began!
Blush, atheist, blush, amid' the glorious shine,
Blush, and confess their origin divine!
Nor need we from our sphere of being soar,
Prolific nature spreads an ample store;
What bold and chaste variety appears!
High o'er the deep the towering mountain rears
His rugged top, and frowns amidst the skies;
Now groves and verdant vales delight the eyes,
Now oceans wide reflect the blue expanse,
Swell with the storm, or in the sunbeams dance;

* The Author professes himself an advocate for both The triplet and Alexandrine, used with discretion.

† The platonie system of the universe.

Now cataracts dash down the rocky steep,
Now gentle streams meander to the deep.
Behold how the revolving seasons flow,
And scatter health and plenty as they go;
Spring's flowery garland, Summer's golden store,

Autumn's rich goblet, Winter's mantle hoar;
Day, night, the sober shade, and gay sunshine,
In use and sweet variety combine.

Does animated nature claim our care,
Still all is wonderful, and all is rare.
And could we analyse her hidden frame,
The vilest worm that crawls might claim,

(Or the light inmate of the Summer's sky)
Our wonder as the glorious orbs on high.
How well, each fitted to its state and place,
Whether on wing to skim th' ethereal space,
Or cut the vasty deep with pliant fin,
Or dwell upon earth's surface, or within
And shall, rash man, to whom indulgent heaven,

Has this fair earth and all its treasures given;
This azure arch with wonder to admire,
This glorious arch begemmed with heavenly fire†!

Shall he ungrateful still for all this good,
Dare thus to murmur in his gloomy mood,
Nor fear the forked lightnings from on high,
May dash him down for his impiety?

Say, Nature, cruel, even in bounty blind,
Is this the precedence you yield mankind?
Must he, whom thou hast raised above the rest,

Still find a doubt, within his aching breast,
On thee the name of parent to bestow,
Or froward step-dame, cause of all his woe?
Why, of thy other works, the sovereign call,
The poorest tho' the proudest of them all?
Of jarring discords formed and wild extremes,
Now more than mortal—less than brute he seems;

Whose haughty soul finds subject worlds confined,

Shrinks like a reed beneath the winter's wind;
To none but him a native garb denied,
E'en borrowing of the worm to swell his pride;

While others you array with tender care,
To bear the changes of the varying year;
Some with a woolly fleece, or softer down,
Some threat'ning quills, some plummy vestments own;

Some, wrapt in fur, no wintry storms assail,
Or shells, or scales, impenetrable mail;
E'en senseless trees you clothe with double rind,

While man is left defenceless, weak, and blind

A poor, bare, helpless creature on the earth,
He sprawling lies, sobs usher in his birth;
While tears, to him confined, incessant flow,
And prove him weakest of thy sons below.

No sooner dazzling light assails his eyes,
In fetters bound his limbs, supine he lies,
A whining animal, earth's future lord,
Denied the liberty, we dogs afford;
Thus art adds punishment to Nature's scorn,
As if it were a crime to have been born!
Boast here your away, ye little gods who can,

O fools, to think that pride was made for man!

Full forty suns must rise upon the day,
Ere idiot smiles dawn reason's boasted ray,
First gift of time and hope of coming strength,
A groveling quadruped to crawl at length;

* This majestic roof fretted with golden fire—
Shakespeare

But, when erect, the haughty human air,
The voice, the teeth, the weighty head to
bear,
Which, palpitating on th' unequal base,
Proclaims the humbling weakness of his
race.

Diseases sore his puny frame invade;
And erring physic lends her doubting aid,
Ranging from plant to plant, with reason
blind,

That ignis fatuus of the human mind
Thy other charge, by kinder instinct's care,
Here choose the good, and shun the evil
there;

But man, without tuition, nothing knows,
To speak, to eat, to walk to that he owes,
By art alone he holds the sway he bears,
And all he has from Nature—is his tears;
Sure 'midst such varied ills, the happier they,
Who, strangled in the birth, ne'er see the day.

To man alone the weeping eye is given,
To man, to waste the choicest gifts of heaven,
To man alone, ambition's curst control,
And greedy avarice's narrow soul;
To man alone, a lust of life confined,
While superstitious bugbears rack his mind;
Alone for him they funeral rites prepare,
His future fate of man alone the care.

Tho' frail his life, to wild desire no bound,
No fear so dastard, rage so fell, is found,
The fiercest savage of the fiercest brood,
Bathes not his gory fangs in brother's blood;
The curling serpents sting we ever find
Baneful to others, never to his kind,
But heavenly powers! who may the reason
scan?

Man is himself the sorest foe to man!

Vain wrangler, know, the cause of all you
blame,

Springs from the noblest feature of your
frame;

Deluded by the wily sophist's skill,
That sinks the good and magnifies the ill
Th' immortal spirit, that informs thy breast,
And raises thee superior to the rest,
Brings them subservient, at their life's ex-
pense!

To all the wants of which you make pretence;
And even these very wants in their supply
Find thankless man health, pleasure, and
employ;

Bend, bend, to him your humble thanks ex-
press,
Who made your very wants conduce to hap-
piness.

Is Nature cruel, not to have repress,
The erring movements of th' impassioned
breast;

When men the best of feelings misapply,
And turn to sorrow, what was meant for joy?
For waste is liberality misunderstood,
Ambition, the excessive lust of good;
Cold avarice is prudence too constrained,
And bigotry, religion ill maintained:

Put we the question on these charges, joined
To man's worst crime, unkindness to his kind;
Or does the fault to heaven or man belong?
One word decides,—Man knows all this is
wrong,

And can redress, without the aid of heaven,
By exercising powers already given;
Even their effects point out to reason plain
His duty, and his interest to restrain.

The power of doing wrong, well understood,
Is but the power divine of doing good;
Withdraw it, all his mental powers are mute,
His nature changed, he is not man, but brute

Cease, then, to cavil at wise Nature's plan,
Know, God is just and perfect, but not man.

TO AN ALMOND TREE.

From the French of Florian.

Now dreary winter reigns around,
And scarce a zephyr's sigh doth breathe;
No lovely flowrets now are found,
A garland for the fair to wreath.

The almond-tree alone doth bear
Its blossoms of a blushing hue;
Like glowing rose, and lily fair,
Combin'd to strike th' enraptured view.

Thou flourishest in splendour bright,
Enlivening by thy verdure fair;
Bloom, son of Flora, to my sight,
And breathe thy fragrance in the air.

Poor almond-tree—thine error vain
Amused thee but for one short hour;
For, Boreas scatter'd on the plain
Thy pleasant fruits and beauteous flow'r.

Like thee, by luring folly caught,
My heart each tender wish betray'd;
Too soon felicity I sought,
And Clara's heart the further stray'd!

FERDINAND.

ANSWER TO THE ENIGMA, PAGE 95.

THROUGH many a sleepless night,
I thought that I could bring
Th' Enigma's meaning to my sight,
And hail the wondrous thing:
At length, a PICTURE well repaid
That patient search which I had made.

MARIA.

ANSWER TO ANOTHER, PAGE 127.

THE letter A is always found
In air, and earth, and sea;
Tho' it ne'er ventures on the ground,
Nor rests in you and me.

MARIA.

ADVERTISEMENTS.

ELGIN MARBLES.

Mr. HENNING has the satisfaction to in-
form his Friends, and the Admirers of Grecian Art, that
he has completed his Sculptured Studies from the
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* What shall we say to our fair correspondent's
estimate of the value of "many a sleepless night!"—Ed.

APPEAL OF MURDER.

*Published this day, by Baldwin, Cradock, and Joy,
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Street, Lincoln's Inn Fields,*

I.

An ARGUMENT for construing largely the
Right of an Appellee of Murder to insist on TRIAL
BY BATTLE; and also for ABOLISHING APPEALS;
with Notes, and an Appendix, containing a Report of a
Debate in the House of Commons, on a Clause for Abol-
ishing the Appeal for Murder in the British North
American Colonies, &c. &c.

Illustrated by a Drawing of the time of Henry III.
still preserved in the Record Office, in the Tower of
London, representing a Judicial Combat fought on an
Appeal. By E. A. KENDALL, Esq. F.A.S.

"I am for taking away the Appeal for Murder en-
tirely; but I am not for taking it away in part."—
Mr. Fox.

"We are got now on the most important question
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on the mind of every unprejudiced reader; and in this
view, his Work seems to us very valuable."

Quarterly Review, February, 1818.

"His disquisition is written with much vigour, and
evinces great research. Nothing that can illustrate this
obscure subject seems to have escaped his notice; and
the historian and legal antiquary may derive no small
information from his labours."

Literary Panorama, April, 1818.

II.

Preparing for Publication, (by the same Author).

THE HISTORY, REASON, and LAW of
TRIAL by BATTLE; including an Exposition of the
Nature of APPEALS OF FELONY and of WRITS OF
RIGHT; as also some inquiry into the Administration
of Civil and Criminal Justice in Europe, during the
Middle Ages, and into the Ancient and Modern Notions
of Trial by Jury, and of the Theory of Evidence.

"A message from the Lords, by Attorney and Mr.
Serjeant Crook:—An Act to Abolish all Trials by Bat-
tle in Writs of Right:—committed to Sir Edward Coke,
Mr. Noy, Sir William Fleetwood, all the lawyers of
the House, and soldiers."—*Journals of the House of
Commons, March, 22, 1623.*

"Mr. Solicitor reporteth the Bill of Battle,—That
the Committee thinketh it not fit it should proceed;
but rest to be advised of."—*Ibid. May 29.*

III.

COUNSEL FOR PRISONERS.

*In a few days will be published, (By the same Au-
thor,)*

A LETTER to SIR SAMUEL SHEPHERD,
Knt. M.P. His Majesty's Attorney-General, on the Ad-
ministration of Criminal Justice in the English
Courts, and particularly on the NONALLOWANCE OF
PLEADINGS OF COUNSEL FOR DEFENDANTS,
in Prosecutions for Felony by Indictment.

Audi alteram partem.—Hear both sides.

"I apprehend that Criminal Laws were made to save
the lives of persons, and not to destroy them."

Stanley.

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ment's Church, Strand; E. WILSON, 88, and J.
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